

# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 9 JUNE 2011**

**9.30AM**

**BOARDROOM, BECKENHAM SERVICE CENTRE,  
66 COLOMBO STREET**

## CHRISTCHURCH CITY COUNCIL

**Thursday 9 June 2011 at 9.30am**  
**in the Boardroom, Beckenham Service Centre, 66 Colombo Street**

**Council:** The Mayor, Bob Parker (Chairperson).  
Councillors Helen Broughton, Sally Buck, Ngaire Button, Tim Carter, Jimmy Chen, Barry Corbett,  
Jamie Gough, Yani Johanson, Aaron Keown, Glenn Livingstone, Claudia Reid, Sue Wells and  
Chrissie Williams.

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**1. APOLOGIES**

**2. DEPUTATIONS BY APPOINTMENT**

**3. PRESENTATION OF PETITIONS**

9. 6. 2011

**4. REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:  
MEETING OF 20 APRIL 2011**

Attached.

9. 6. 2011

**5. REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:  
MEETING OF 4 MAY 2011**

Attached.

9. 6. 2011

**6. REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:  
MEETING OF 18 MAY 2011**

Attached.

9. 6. 2011

**7. CHAIRPERSON'S REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 1 JUNE 2011**

Attached.



9. 6. 2011

**8. REPORT OF A MEETING OF THE LYTTLETON/MT HERBERT COMMUNITY BOARD:  
MEETING OF 19 APRIL 2011**

Attached.

9. 6. 2011

**9. REPORT OF A MEETING OF THE LYTTLETON/MT HERBERT COMMUNITY BOARD:  
MEETING OF 17 MAY 2011**

Attached.

9. 6. 2011

**10. REPORT OF A MEETING OF THE RICCARTON/WIGRAM COMMUNITY BOARD:  
MEETING OF 3 MAY 2011**

Attached.

9. 6. 2011

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9. 6. 2011

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9. 6. 2011

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Attached.

9. 6. 2011

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MEETING OF 6 APRIL 2011**

Attached.

9. 6. 2011

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MEETING OF 20 APRIL 2011**

Attached.



9. 6. 2011

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MEETING OF 2 MAY 2011**

Attached.

9. 6. 2011

**17. REPORT OF A MEETING OF THE BURWOOD/PEGASUS COMMUNITY BOARD:  
MEETING OF 16 MAY 2011**

Attached.

9. 6. 2011

**18. REPORT OF A MEETING OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD:  
MEETING OF 2 MAY 2011**

Attached.

## 19. DELEGATIONS TO COMMUNITY BOARDS

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Legal Services Manager
<b>Author:</b>	Vivienne Wilson, Solicitor / Chris Gilbert, Legal Services Manager

**PURPOSE OF REPORT**

1. The purpose of this report is to submit to Council for consideration the proposed delegations for Community Boards. The proposed delegations are set out in **Attachment A**.

**EXECUTIVE SUMMARY**

2. The Local Government Act 2002 provides that "... for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers" except for certain specified responsibilities, duties and powers. The Council is also able to impose any conditions, limitations or prohibitions on any delegations it may make.
3. The Local Government Act 2002 also provides that the Council must consider whether or not to delegate to a Community Board if the delegation would enable the Community Board to best achieve its role.
4. The Act defines the role of Community Boards as follows:
  - (a) *represent, and act as an advocate for, the interests of its community; and*
  - (b) *consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and*
  - (c) *maintain an overview of services provided by the territorial authority within the community; and*
  - (d) *prepare an annual submission to the territorial authority for expenditure within the community; and*
  - (e) *communicate with community organisations and special interest groups within the community; and*
  - (f) *undertake any other responsibilities that are delegated to it by the territorial authority.*
5. The Act provides that once a delegation has been made by the Council to a Community Board then that Board is legally able to make a decision within the delegations as if it were the Council itself. This means that decisions made by a Community Board within the delegations legally bind the Council. If a matter or issue does not fall within these delegations, as a default position, a decision on that matter or issue is one for the Council itself.
6. It must also be noted that it has been the Council's procedure for many years that any exercise of these Board delegations must be within any policies or standards set by the Council. So if the Council has resolved a particular position then it is not open to a Community Board to make a decision which conflicts with that Council position.
7. The Act provides that the Council itself cannot rescind or amend a decision made by a Community Board made under delegated authority. However, The Council can at any time amend or revoke a delegation so as to apply any future decisions.

19 Cont'd

8. It has been the practice of this Council that delegations made to Community Boards continue for the term of the Council for which they are made and each new Council on the commencement of its term reconsiders the delegations to be made to Boards. Delegations made by Council to Community Boards continue in force over the Council term, unless they are revoked or altered by the Council. Consequently, the current delegations to Community Boards have continued since the elections in October 2010. The opportunity to consider the delegations has been delayed by the earthquake on February 2011 and subsequent events.
9. Experience has shown it is not feasible to write delegations which cover every permutation of a subject. The question may arise as of whether a matter falls within a Board delegated authority.
10. To assist in these situations it has considered appropriate in the pact that a decision on whether or not a Board has delegated authority on a particular matter be a matter for joint decision by the General Manager, City Environment (as most matters are considered to be delegated are operational issues that fall within that group) and the General Manager Regulation and Democracy Services Manager. The attached draft delegations continue to provide for this.
11. Where there is a matter outside a Board delegation, such as a metropolitan facility which has a city wide impact but is situated in a particular Community Board area, and where the Board historically has taken an interest in the activities on that facility within their community, the issue has been addressed in the following way: a report on a particular matter involving the metropolitan facility is forwarded to the Community Board for comment before referring the final report to Council.

**LEGAL CONSIDERATIONS**

12. The Executive Summary above refers to the Local Government Act 2002. The delegation provisions are set out in clauses 30 to 32B of the Schedule 7 of the Local Government Act 2002. Clause 32 deals specifically with the power of the Council to delegate its functions to a committee or other subordinate decision-making body, community board, or member or officer of the Council.
13. Section 52 of the Local Government Act 2002 sets out the role of Community Boards.

**Have you considered the legal implications of the issue under consideration?**

14. Yes. The delegations comply with the Local Government Act 2002.

**STAFF RECOMMENDATION**

It is recommended that the Council, pursuant to clause 32(1) of Schedule 7 of the Local Government Act 2002, delegate to the Community Boards the delegations set out in **Attachment A**.

## 20. DECONSTRUCTION/DEMOLITION OF THE SUMNER COMMUNITY CENTRE/MUSEUM BUILDING AND GODLEY HOUSE

<b>General Manager responsible:</b>	General Manager Community Services, DDI 9418534
<b>Officer responsible:</b>	Strategic Property Analyst
<b>Author:</b>	Tim Priddy

### PURPOSE OF REPORT

1. The purpose of this report is to seek Council resolution to the deconstruction/demolition of the Sumner Community Centre and Museum building and Godley House building, under the powers vested in the Canterbury Earthquake Recovery Authority (CERA).

### EXECUTIVE SUMMARY

2. Both the Sumner Community Centre and Museum building and Godley House have sustained progressive damage since the first earthquake on 4 September 2010 with the 22 February 2011 earthquake causing significant additional irreversible damage to each. It is planned to provide a consolidated Issues and Options report to Council by August 2011 on all of our buildings and facilities which are significantly damaged. However both of these buildings are in a dangerous state currently and continue to deteriorate. Also, the Sumner Community Centre/Museum building is causing significant disruption to surrounding businesses and to traffic flow; hence this recommendation to progress the demolition of both buildings without further delay.
3. Two independent engineering reports have explored options to repair and reinstate each building but such is the severity of the damage, all reports recommend that deconstruction followed by demolition is the only practical option for both buildings.

The Sumner Museum and Community Centre building has sustained significant cracking and 'bowing' of walls, the foundations have settled and the floors have a significant upward bow. A heritage significance report has been prepared which recommends deconstruction of parts of the buildings; to allow the heritage fabric to be recorded and also enable significant heritage elements to be retrieved, followed by demolition.

Godley House is unstable such that even temporary securing or repair of the building is problematic. As much of the structure has already collapsed, the remaining portion would need to be deconstructed with very little of the original heritage fabric remaining.

A heritage significance report has been prepared which recommends deconstruction of the remainder of the building; to allow the heritage fabric to be recorded and also enable significant heritage elements to be retrieved, followed by demolition. (Copies of all of these reports are **attached**).

### FINANCIAL IMPLICATIONS

4. The cost of deconstruction/demolition and the removal of the demolition debris will be met by our insurance cover.

The Sumner Museum building, built in 1907, is the former Sumner Borough Council Chambers, which is a Group 3 Heritage Item in the Christchurch City Plan. There are several plaques and foundation stones around the building; including the very significant war memorial plaque that is positioned within the splayed SE wall of the building on the corner of Wakefield Avenue and Nayland Street. To the rear of the Museum is the more recent Community Centre building. Most of the original heritage fabric inside the buildings has been lost or covered over with modern materials. However, consideration is being given to recovery of the timber roof trusses in the Community Centre Hall structure, as these are in good condition and could be re-used in the future. It is planned to retrieve these elements through the deconstruction process.

Godley House was built in 1880 and is a Protected Heritage Building in the proposed Banks Peninsula District Plan and is registered as a Category II Historic Place by the New Zealand Historic Places Trust. It is proposed that a photographic record of the building is undertaken, before carrying-out deconstruction to salvage selected heritage fabric.

20 Cont'd

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

5. As the recommendations are a consequence of the earthquake events, this issue is not addressed in the LTCCP

**LEGAL CONSIDERATIONS**

6. In order to expedite the demolition of these buildings, we are proceeding under the CERA process, hence a resource consent is not required.

**Have you considered the legal implications of the issue under consideration?**

7. NA

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

8. As the recommendations are a consequence of the earthquake events, this issue is not addressed in the LTCCP

**Do the re commendations of this re port support a le vel of serv ice or project in the 2009-19 LTCCP?**

9. NA

**ALIGNMENT WITH STRATEGIES**

10. Due to the exigencies of the Earthquake Recovery process, this recommended action is outside of 'normal' strategic process.

**Do the recommendations align with the Council's strategies?**

11. NA

**CONSULTATION FULFILMENT**

12. Due to the level of damage which the buildings have sustained, deconstruction followed by demolition is unfortunately the only option available to Council.

If Council agrees to this recommendation to deconstruct/demolish the buildings, it is proposed that Council prepare an immediate communication for the respective Community Boards and the wider local communities confirming our plan of action. There has been local publicity highlighting the damage to the buildings such that there is a high level of awareness in each community (both business and residential) that demolition of each building is the only viable option.

There have been three retrieval sessions provided to the affected users of the Sumner Museum and Community Centre building to recover their possessions. All items have been retrieved; with the exception of a safe within the Museum building which could not be opened or removed. The Museum user group has agreed that they will be able to recover the safe following demolition.

As Godley House has sustained such major damage and is unsafe, only limited opportunities have been possible to retrieve possessions. We are hopeful of retrieving selected tenant possessions and chattels at the time of deconstruction, subject to the approval of the engineer at the time.

**STAFF RECOMMENDATION**

It is recommended that the Council agree to the demolition of the Sumner Community Centre and Museum building and Godley House

**21. RICCARTON BUSH TRUST – APPOINTMENT OF BOARD MEMBER**

<b>General Manager responsible:</b>	General Manager Regulation & Democracy, DDI 941-8462
<b>Officer responsible:</b>	Legal Services Unit Manager
<b>Author:</b>	Robert O'Connor, Solicitor, Legal Services Unit

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend the appointment of a Council representative to the board of the Riccarton Bush Trust.

**EXECUTIVE SUMMARY**

2. Under the Riccarton Bush Amendment Act 1947 the Council is entitled to appoint six members of the Riccarton Bush Trust Board.

3. The current Council representatives on the Riccarton Trust Board are:

Councillor Chen  
 Bob Shearing  
 Mike Mora  
 Ishwar Ganda  
 Tony Gemmill  
 Pam Wilson

4. Pam Wilson's term of office expired on 20 April 2011 and the Trust Chair, Charles Deans, has indicated that she is available for re-appointment and that he supports that re-appointment. Mrs Wilson was previously a Heritage Adviser with the New Zealand Historic Places Trust.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications arising for the Council from the proposed appointment.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

6. Not applicable

**LEGAL CONSIDERATIONS**

7. The Riccarton Bush Amendment Act 1947 currently provides that the Council is entitled to appoint six of the ten members of the Riccarton Bush Trust.
8. The term of appointment of board members appointed by the Council varies according to the individual appointed. Currently, all board members are appointed for five years. However, if an elected member (councillor or community board member) is appointed to the board their term of office is five years, or for so long as they remain an elected member, whichever is the lesser.
9. The Council and the Board are presently engaged in the process of seeking an amendment to the statutory provisions which govern the Riccarton Bush Trust. If the proposed Riccarton Bush Amendment Bill is passed into law by Parliament the number of Council representatives on the Board will reduce from 6 out of 10 to 5 out of 9. In addition the composition of the Council representatives will change from the current simple requirement to appoint 6 persons generally, who may or may not be elected members, to a requirement to appoint 5 persons, 2 of whom must be community board members from the community in which Riccarton House is situated or from a community immediately adjacent to that in which Riccarton Bush is located. When the Bill is passed into law it is expected that the term of office of the Council's existing appointees to the Board, including the person appointed by the Council on the recommendation contained in this report, will end and that it will be necessary for the Council to make fresh appointments to the Board at that time.
10. Given the uncertainty of when the Bill will be passed into law the Board's preference is that the board position vacated by Pam Wilson be filled in the interim in accordance with the existing statutory arrangements.



**21 Cont'd**

**Have you considered the legal implications of the issue under consideration?**

11. Yes, see above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

12. Not applicable

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

13. Not applicable

**ALIGNMENT WITH STRATEGIES**

14. Yes

**Do the recommendations align with the Council's strategies?**

15. Yes

**CONSULTATION FULFILMENT**

16. The Riccarton Bush Trust Board has been consulted through the Board Chair, Charles Deans.

**STAFF RECOMMENDATION**

It is recommended that the Council resolves to appoint Pam Wilson to be a board member of the Riccarton Bush Trust.

## 22. CANTERBURY EARTHQUAKE APPEAL TRUST – PARKS RESTORATION PROJECT

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 941-7305
<b>Officer responsible:</b>	Unit Manager Asset and Network Planning
<b>Author:</b>	Olivia Dovey, Greenspace Asset Planner and Robert O'Connor, Solicitor Legal Services Unit

**PURPOSE OF REPORT**

1. The purpose of this report is to:
  - (a) Seek a resolution of the Council acknowledging and accepting the proposed funding of \$3,528,700.00 by the Canterbury Earthquake Appeal Trust to fund the works necessary to restore some of the non-insured assets damaged in the September 2010 and February 2011 earthquakes as specified in the schedules **attached** to this report ("the Parks Restoration Project"); and
  - (b) Seek a delegation to the General Manager City Environment to enter into such contractual or other documentation that is considered appropriate or necessary with the Canterbury Earthquake Appeal Trust to facilitate the completion of the Parks Restoration Project.

**EXECUTIVE SUMMARY**

2. The Christchurch Earthquake Appeal Trust is the official global fundraiser for the recovery effort for Christchurch and the Canterbury region established by the New Zealand Government. The Trust is an independent Trust established under the New Zealand Charities Act. The Government lends support by covering administration costs and providing resources to increase the fundraising capacity of the Trust through the Department of Internal Affairs. The Council has been approached by the Department of Internal Affairs with an offer from the Trust to fund the repair of some non-insured Greenspace assets damaged by the September 4 and February 22 earthquakes.
3. Following a field visit by the relevant Department of Internal Affairs Funding Manager, a detailed list of repair works was submitted that met the requirements of the Trust. Simply, the Trust wishes to see high use and sports parks returned to a functional condition as quickly as possible. Two packages of work were proposed. Package One aims to restore mainly sports parks to their pre-earthquake condition before winter 2011. Package Two aims to restore sports parks and other high use parks to as close as possible to their pre-earthquake conditions before summer 2011-12.
4. A total of \$15,000,000 worth of damage to 313 parks has been identified as a result of the earthquakes.
5. \$3,528,700 has been made available by the Trust, subject to a formal agreement being entered into, to fund the repair of 62 parks and thereby restore levels of service that existed before both earthquakes. A summary table of how the Canterbury Earthquake Appeal Fund money will be spent is provided below:

<b>Greenspace Activity</b>	<b>Number o f Parks to Receive Repairs</b>	<b>Estimated Cost of Repair</b>
Sports Parks	27	\$1,275,700
Garden and Heritage Parks	20	\$1,194,000
Regional Parks	13	\$703,500
Neighbourhood Parks	2	\$55,500
Temporary Facilities		\$300,000
<b>Totals</b>	<b>62</b>	<b>\$3,528,700</b>

6. Details of the proposed works are provided in the schedule attached to this report.

22 Cont'd

**FINANCIAL IMPLICATIONS**

7. The Trust will make available \$3,528,700 to fund the Parks Restoration project.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

8. Not applicable.

**LEGAL CONSIDERATIONS**

9. For reasons related to the charitable nature of the Trust and conditions imposed on the Trust by certain of its donors, the Trust has requested that the arrangement between it and the Council be structured as a 'project management agreement' rather than a grant subject to conditions arrangement. Under the proposed 'project management agreement' the Council will project manage the delivery of the parks restoration works on behalf of the Trust and the costs of those works will be funded directly by the Trust. The Council will use its existing contractual relationships with its existing contractors to deliver the works, however the Council will not receive any payment from the Trust in respect of the project management services provided by it.
10. Council approval is required before the 'project management agreement' can be entered into.

**Have you considered the legal implications of the issue under consideration?**

11. See above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

12. Yes, see pages 118 to 143 of the LTCCP 2009-19. Levels of Service in the Parks, Open Spaces and Waterways Activity Management Plans.

**Do the re commendations of this re port support a le vel of serv ice or project in the 2009-19 LTCCP?**

13. Yes, as above.

**ALIGNMENT WITH STRATEGIES**

14. Public Open Space Strategy 2010 to 2040.

**Do the recommendations align with the Council's strategies?**

15. As above.

**CONSULTATION FULFILMENT**

16. The Trust has set conditions around the donation and through site visits agreed the overall schedule of works. The schedule of works was developed and agreed to by the relevant Greenspace Team Leaders.

22 Cont'd

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Acknowledges and accepts the offer of funding of \$3,528,700 from the Canterbury Earthquake Appeal Trust to restore the non-insured Greenspace assets damaged in the earthquakes of 4 September 2010 and 22 February 2011 as specified in the schedules attached to this report; and
- (b) Delegates authority to the General Manager City Environment to enter into such contractual or other documentation with the Canterbury Earthquake Appeal Trust that is considered appropriate or necessary to facilitate that Trust's funding of, and the completion of, the Parks Restoration Project; and
- (c) Notes the works that will be undertaken as part of the Parks Restoration Project as specified in the schedules attached to this report.

**23. THE INTERMENT SITE FOR THE UNFOUND VICTIMS OF THE 22 FEBRUARY 2011  
EARTHQUAKE**

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 941-7305
<b>Officer responsible:</b>	Contracts Manager Urban Parks
<b>Author:</b>	Russel Wedge, Asset and Network Planning

**PURPOSE OF REPORT**

1. To seek Council approval to construct an interment site at Avonhead Cemetery for the unfound victims of the 22 February 2011 earthquake at Avonhead Park Cemetery.

**EXECUTIVE SUMMARY**

2. The Police and Coroner's office have advised that there may be a requirement for an appropriate interment site within a council cemetery for the unfound human remains from the 22 February 2011 earthquake. In addition, the families of some earthquake victims have approached council staff, seeking a location at which their loved ones ashes can be interred.
3. All operative Christchurch City Council cemeteries have been considered and Avonhead Park Cemetery has been identified as the most appropriate due to its locality to the airport, available space and no liquefaction.
4. The proposed cemetery site and design concept have been discussed with the families of the nine unfound victims.
5. The interment site at Avonhead Park Cemetery is not a memorial site, it is required to inter the human remains of the unfound victims as required under the Burial and Cremation Act 1964.
6. There is no capital funding specifically allocated to the development of the proposed interment site.

**FINANCIAL IMPLICATIONS**

7. There are no funds directly allocated for the development of this site within the 2011/12 Proposed Annual Plan. Council staff have also looked into alternative sources of funding to no avail. The estimated budget for this new capital development work is \$170,000.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

8. As above.

**LEGAL CONSIDERATIONS**

9. The Burial and Cremation Act 1964 and as at 2009, and the Civil Defence Emergency Management Act 2002 provides jurisdiction to the Local Authority to inter the remains within an established cemetery.

**Have you considered the legal implications of the issue under consideration?**

10. Yes as per point 9 above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. Unexpected Civil Defence Emergency not covered in LTCCP.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

12. Yes, the interment of persons as per the Activity Management Plan.

23 Cont'd

**ALIGNMENT WITH STRATEGIES**

13. Community Outcomes, Our city environment supports the health of the community.

**Do the recommendations align with the Council's strategies?**

14. Public Open Space Strategy 2010-2040; Goal 1, Provide an accessible, and equitably distributed, multi-use open space network while protecting natural, cultural and heritage values.

**CONSULTATION FULFILMENT**

15. This proposal has been developed in consultation with the Christchurch Police and the Office of the Chief Coroner. A key consideration has been to consult with the families of the unfound victims. The main comments from the families were:
- (a) The location within a cemetery was considered important so they could have a quiet moment away from tourists.
  - (b) The location was considered ideal, close to the airport. One person noted that it could be the first and last place family from overseas could visit.
  - (c) There was a request for Chinese characters to be used on the plaques for the Chinese victims.
  - (d) The site will be an interdenominational site.
  - (e) When referring to the nine unfound victims, the families requested this be referred to as 'unfound' victims instead of unfound as they know who the missing people are.
  - (f) A desire for a private ceremony before the site is open to the public.

**STAFF RECOMMENDATION**

16. It is recommended that the Council:
- (a) Approves the interment site for the Unfound Victims of the 22 February 2011 Christchurch Earthquake at Avonhead Park Cemetery.
  - (b) Approves the concept design for the interment of the unfound human remains and the commemoration of the nine unfound victims.
  - (c) Notes that the estimated cost of \$170,000 (plus/minus 10 per cent) is unbudgeted.

**MAYOR'S RECOMMENDATION**

17. That \$170,000 is allocated from the Christchurch Earthquake Mayoral Relief Fund for this initiative.

**BACKGROUND (THE ISSUES)**

18. There are 181 persons, both national and international confirmed to have died as a result of the 22 February 2011 Christchurch earthquake. Many of the 172 identified victims have already been buried in family ceremonies in Christchurch and elsewhere.
19. The Coroners Office has advised that there are nine persons who were tragically so badly damaged as a result of the earthquake that a positive identification, even by DNA testing, is impossible. This includes four Chinese, one Filipino/Australian and four New Zealanders (including two New Zealand residents).
20. Human remains have been recovered from the CTV building that are so badly damaged it is impossible to identify them. When legal processes are finalised, the Chief Coroner will need to inter these.

23 Cont'd

21. The Burial and Cremation Act 1964 as at 2009, provides jurisdiction to the local authority to for work within an established cemetery.
22. All of the operative Christchurch City Council Cemeteries have been considered as an appropriate location. However the majority have suffered either liquefaction or damage in the recent September 2010 and February 2011 earthquakes or there is no available space.
23. Avonhead Park Cemetery has been identified as the most appropriate location for the interment of the unfound victims due to no liquefaction, proximity to the airport, public transport, and available space. The Avonhead Park Cemetery is surrounded by established trees in a park like setting, which provides a relaxed, contemplative atmosphere and there is a defined grassed circular area that can never be built out or lost as the cemetery expands. The majority of earthquake victims that have been buried are buried in the Avonhead Park Cemetery.

**THE OBJECTIVES**

24. (a) To meet the statutory requirements for the interment of human remains.
- (b) To provide an area:
  - (i) where the nine unfound victims can be laid to rest;
  - (ii) where the unfound human remains can be interred; and
  - (iii) for ash interments for both national and international victims, requested by families.

**THE OPTIONS**

25. Other city cemetery sites were considered for the location of the interment site, however they were not considered appropriate. The eastern cemeteries have suffered liquefaction. Yaldhurst Cemetery on the periphery of the city is considered too far away from the central city and there is no public transport. The other operative cemeteries; Linwood, Sydenham, Belfast and Waimairi Cemeteries do not have the space available. Banks Peninsula Cemeteries are not considered appropriate due to their distance from Christchurch. The Lyttelton Cemeteries do not have available space, they have suffered damage in the earthquake and the distance would be an issue.

**THE PREFERRED OPTION**

26. Avonhead Park Cemetery is the most suitable location for the interment of the unfound victims.

**ASSESSMENT OF OPTIONS**

**The Preferred Option**

27. To construct an interment site for the unfound victims of the earthquake at Avonhead Park Cemetery as per the Concept in **Appendix One**.
28. There is a defined grassed circular area within the recent Avonhead Park Cemetery extension that can be dedicated to the interment of the unfound victims. This site cannot be built out or lost in any future expansion of the cemetery.
29. The proposed site is intended to be a contemplative and restful area where the remains of the unfound victims of the 22 February 2011 Christchurch Earthquake can be interred. While the site is located in a well treed and established suburban cemetery it is intended that the design reflects the central city.

## 23 Cont'd

30. It is proposed that the site be surrounded by a circle of magnolia trees, symbolic of tree species used in the central city and a hedge. The trees and hedge define the edge of the site and separate it from the larger cemetery area. Exposed aggregate paths lead towards a central area which has a low stone structure sitting on a stone plinth. The centre plinth is symbolic of the square, and four stone surrounds in the lawn area are symbolic of the four avenues; Moorhouse, Rolleston, Bealey and Fitzgerald Avenue, within which the destruction and effects of the earthquake were severe.
31. Other features include four seats to enable visitors to sit and contemplate. Planting within the central area is intended to be simple and peaceful with manicured lawn areas and simple plantings of white groundcover roses.

**ASSESSMENT OF OPTIONS****The Preferred Option**

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	A dedicated location in an established cemetery where people can pause, remember and grieve in peace.	Maintenance costs integrated into existing budgets.
<b>Cultural</b>	The cemetery is interdenominational and respectful to all cultures.	N/A
<b>Environmental</b>	The park like setting of the cemetery creates a relaxed and contemplative environment.	Maintenance costs integrated into existing budgets
<b>Economic</b>	The site has been formed as part of the Avonhead Park Cemetery extension. Additional funding will be required to develop the proposed concept plan.	It is envisaged the cost to construct the site will be approximately \$170,000 (+/- 10%).

**Extent to which community outcomes are achieved:**

- A safe city
- A city of inclusive and diverse communities
- A well governed city
- A healthy city

**Impact on the Council's capacity and responsibilities:**

The cemetery is a working cemetery and the interments are undertaken as part of the Council's day-to-day business.

**Effects on Maori:**

There will be no effects on Maori as the services will be private affairs, unless one of the unfound victims is of Maori decent.

**Consistency with existing Council policies:**

Parks and Waterways Access Policy 2002, Cemeteries Bylaw (under review), Burial and Cremation Act 1964, Burial and Cremation Regulations 1967.

**Views and preferences of persons affected or likely to have an interest:**

Police liaison officers are dealing directly with the families who have lost a loved one in the earthquake. Council staff have meet with the families of the unfound victims, who have expressed their desire to have closure, which they believe can be achieved through the interment of the unfound victims. There are number of Chinese families who have expressed their desire to inter some of the ashes of their deceased relatives in New Zealand. These families would prefer that the ashes are within the parameter of the interment site. There are also three New Zealand families who have expressed an interest in being interred within the parameter of the interment site. A number of national and international victims are interred within Avonhead Park Cemetery close to the intended site. These families have chosen their own burial plot.



23 Cont'd

32. Other options have been considered as interment sites, however they are not considered appropriate. There is concern in the eastern cemeteries; Memorial Park Cemetery and Ruru Lawn Cemetery regarding present and future liquefaction risks. Yaldhurst Cemetery is considered too far on the periphery of the city and away from public transport, and the other operative cemeteries; Linwood, Sydenham, Belfast and Waimairi Cemeteries do not have the space available. Banks Peninsula Cemeteries are not considered appropriate due to distance from the CBD and the Lyttelton Cemeteries have suffered earthquake damage and do not have available space.

## 24. SPECIAL CONSULTATIVE PROCEDURES – LOCAL GOVERNMENT FUNDING AGENCY AND COUNCIL CONTROLLED ORGANISATIONS

<b>General Manager responsible:</b>	General Manager Corporate Services, DDI 027 507 3087
<b>Officer responsible:</b>	Corporate Finance Manager
<b>Author:</b>	Ian Thomson, Solicitor

### PURPOSE OF REPORT

1. (a) To report on two proposals consulted on through a special consultative procedure undertaken in April and May 2011. The proposals are:
  - for the establishment of new Council Controlled Organisations; and
  - that the Council supports the establishment of a Local Government Funding Agency.

### EXECUTIVE SUMMARY

2. At its meeting on 31 March 2011 the Council approved Statements of Proposal in respect of these proposals.
3. The documents were available for public consultation from 11 April 2011 to 16 May 2011.
4. One submission was received in response to the proposal for the establishment of new Council Controlled Organisations. No submissions were received in respect of the other proposal.
5. It is recommended that the Council resolves to adopt the proposals.

### BACKGROUND

6. There was one submission received on the proposal that the Council establish three Council Controlled Organisations (CCOs). The submitter questioned the need for new organisations when current CCOs could well be an effective vehicle to use should any new interests come up. The activities undertaken by CCOs are wide and varied and it is the view of Council staff that this is not a viable option.
7. The reasons for the proposal are set out in the staff report to the meeting of 31 March 2011 and in the Statement of Proposal considered and approved at that meeting.
8. Simpson Grierson, the Council's strategic legal advisor, has previously confirmed that establishing CCOs as shelf companies or trusts does not breach the provisions of the Local Government Act 2002.
9. Having a number of non-trading CCOs available for use, does not remove any control from the Council. A proposal to activate a CCO would be put to the Council for approval and would be subject to the requirements of the Act. Any financial support (capital injection or debt) would need to be separately considered and approved. If the commencement of a particular activity triggered the Council's significance policy, the use of the special consultative procedure may be required.
10. There were no submissions received on the proposal that the Council supports the establishment of a Local Government Funding Agency (LGFA). The reasons for the proposal are set out in the staff report in the 31 March 2011 meeting and in the Statement of Proposal considered and approved at that meeting.
11. The LGFA is being established by a group of local authorities and the Crown to enable all local authorities to borrow at lower interest margins than would otherwise be available. The LGFA will be recognised in legislation, which will modify the effect of some statutory provisions, including the Local Government Act 2002.
12. If the Council adopts the proposal it will join the LGFA's scheme as a Principal Shareholding Local Authority. This means the Council will:
  - (a) subscribe for up to \$2.5 million shares in the LGFA to provide it with establishment capital;

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- (b) commit to meeting a certain proportion of its borrowing needs from the LGFA;
  - (c) borrow from the LGFA;
  - (d) subscribe for up to \$2.5 million uncalled capital in the LGFA;
  - (e) subscribe for borrower notes;
  - (f) enter into a guarantee;
  - (g) commit to providing additional equity to the LGFA under certain circumstances;
  - (h) provide a rates charge to secure some or all of its obligations under the LGFA scheme.
13. If the staff recommendation is adopted, the Council's Investments and Liability Management Policies will be amended as set out in **Appendices 1 and 2** to this report.

**STAFF RECOMMENDATION**

It is recommended that the Council resolves to:

- (a) Approve the establishment of three Council Controlled Organisations to be used, following further Council approval, should appropriate opportunities arise.
- (b) Authorise an initial nominal capital of \$100 for the companies and the appointment of the Chief Executive and the General Manager Corporate Services as Directors whilst the companies are non-trading.
- (c) Authorise the appointment of the Chief Executive and the General Manager Corporate Services as interim trustees of the trust to be formed.
- (d) Support the establishment of the New Zealand Local Government Funding Agency (LGFA).
- (e) Become a principal shareholding local authority in the LGFA.
- (f) Authorise the General Manager Corporate Services to sign all documents, including resolutions, special resolutions and funding documents required to establish and operate the LGFA.
- (g) Authorise the amendment of the Council's Investment and Liability Management Policies as set out in Appendices 1 and 2 to the staff report.
- (h) Receive the Audit NZ advice **attached** to the same report.

**25. RATING VALUATIONS AND RATE SETTING FOR THE 2011/12 YEAR**

<b>General Manager responsible:</b>	Paul Anderson, General Manager Corporate Services, DDI 941-8540
<b>Officer responsible:</b>	Diane Brandish, Corporate Finance Manager
<b>Author:</b>	Steve Kelsen, Funds and Financial Policies Manager

**PURPOSE OF REPORT**

1. (a) to recommend a modified process for:
  - (i) maintaining the Council's rating valuation system; and
  - (ii) setting rates for the 2011/12 rating year.
- (b) to seek the Council's support for Orders in Council that would validate the recommended process.

**EXECUTIVE SUMMARY**

2. Rates assessed by Christchurch City Council are calculated based on the values set down in the City's District Valuation Roll (DVR) at 30 June each year. This roll is intended to be updated on a three-yearly basis as part of the city-wide General Revaluation. The last General Revaluation took place in 2007.
3. At the time the 4 September 2010 earthquake struck, Christchurch City Council's valuers were preparing the 2010 General Revaluation. This revaluation would have had an effective date of 1 August 2010 and individual property values were due to be released to property owners in early November 2010. This revaluation would have been used to strike rates for the 2011/12 financial year.
4. Following the September earthquake Council staff proposed to the Valuer-General that the revaluation be deferred to give Council's valuers the opportunity to inspect individual properties and record the value lost as a result of the earthquake prior to recalculating property values for the entire city. An Order in Council was made enabling the Council to defer its General Revaluation until 1 December 2011.
5. The scale of property damage caused by the February earthquake is greater than that caused by the September earthquake. Initial assessments carried out by Earthquake Commission (EQC) staff suggest that within the Canterbury region 20,000 residential properties are severely damaged and will cost at least \$100,000 each to fix. A further 40,000 are moderately damaged, and 120,000 have minor damage. As there are approximately 142,000 residential properties within Christchurch (plus 13,000 Business and 3,000 Rural) the EQC figures suggest that all, or nearly all, properties within Christchurch will have suffered some degree of damage.
6. The widespread nature of this damage would mean that, in order to maintain our DVR and reflect earthquake damage in the property values used to set rates for the 2011/12 year, Council's valuers would be required to inspect all properties in the City. The same difficulty would arise in attempting to carry out a General Revaluation by December 2011. It may well be logistically impossible and would involve a large and costly exercise to value those properties still in a damaged state and yet to be repaired.
7. In addition to logistical problems, there are a number of other impediments to completing a General Revaluation by December this year:
  - a) It is likely that the property market within Christchurch will still be unsettled by December 2011 as the shape of the planned recovery will still be developing. Without sufficient sales evidence to substantiate new property values, errors and anomalies would result leading to an increased number of contentious objections.

25 Cont'd

- b) It is possible that some areas of the city may not be rebuilt although the number and location of the properties that will be affected by this restriction is currently unknown. This uncertainty could substantially affect values, but the quantum of this effect cannot yet be calculated.
  - c) It is also possible (but yet to be determined) that the permitted form of development in the central business district may differ from the pre-earthquake period. This could affect the value of property within that area.
  - d) The amount of repair and rebuilding work to be carried out is such that it will take some years to complete. It is probable that only a small proportion of that work will be completed by 1 December 2011.
8. Council relies on rates for approximately 55 per cent of its income. However, the disruptions caused by the Canterbury earthquakes currently prevent Council, along with Waimakariri District Council and Environment Canterbury, from complying with the valuation and rating law necessary to set and assess rates. Staff have therefore been working with other local authorities, Land Information New Zealand (LINZ), the Valuer-General and the Department of Internal Affairs (DIA) to identify a practical basis for setting and assessing rates, at least for the 2011/12 financial year and possibly for longer. The intention is to have a modified valuation and rating system that will:
- depart from the present system as little as possible;
  - modify the existing system in such a way that facilitates a return to the standard system as easily as possible; and
  - not divert resources from expediting recovery from the earthquakes.
9. A number of possible systems have been considered and discussed. The preferred option is to limit the situations in which roll maintenance (changes to the District Valuation Roll) can take place to those where:
- rating units are created or abolished, or the boundaries between rating units are adjusted (i.e. subdivisions);
  - new work or building takes place which increases the value of improvements beyond that currently on the DVR for that rating unit;
  - errors exist that pre-date 4 September 2010, or omissions;
  - individual buildings on a rating unit have been totally demolished or total demolition has been ordered by an appropriate authority – the local authority, CERA, or the National Civil Defence Controller during the state of national emergency;
  - changes have occurred in the provisions of an operative district plan; or
  - administrative alterations (e.g. changing the name of a ratepayer as a result of a property sale).
10. Effectively this means that property valuations would not reflect the value reduction caused by earthquake damage nor any value from an EQC or insurance settlement on a property. The only changes to property values would be to reflect subdivisions, new buildings or improvements, demolitions, zoning changes, or error corrections. A recommendation to this effect and draft Order in Council is currently being drafted by DIA.
11. In addition to the rating valuation Order in Council mentioned above, staff propose that Council seek a further Order in Council that will modify s.34 of the Local Government (Rating) Act and enable the Council to assess rates on properties which have an increase or decrease in capital value during the year at the time that the increase in capital value is entered on to the District Valuation Roll.
12. Under existing rating legislation the Council is required to assess rates based on the state of a property as it exists on 1 July each year. This means that rates charged for properties demolished or constructed during the year remain unchanged until the following rating year. The proposed Order in Council would allow the Council to reduce the rates on a demolished building with effect from the date of demolition. Similarly, it would allow Council to begin rating a new building from the date of completion.
13. In addition to improving the equity of the rating system, such a change would have two significant implications for Council:

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- any rates remissions policy would not need to reflect demolitions carried out during the year; and
  - as the rebuild of Christchurch proceeds, Council's rating base will expand during the year, helping to defray the impact on existing ratepayers of the capital value lost as a result of the Canterbury earthquakes (in 2011/12, with demolitions likely to exceed new building completions, this represents a \$1.7 million cost to the Council; in 2012/13, as new subdivisions and rebuilds outstrip demolitions, the net revenue gain to Council would be \$2 million).
14. The main difficulty with the proposals above is that where properties have been severely damaged but not demolished, rates will still be assessed on pre-earthquake values which some people will perceive as unfair. While this may not be the most desirable outcome, no better option has been identified, and the Council can address some of the inequalities that arise through rates remissions adopted as part of the annual plan process.
15. It is also proposed that the date by which a General Revaluation is to be carried out is extended to 1 December 2013. This deferral does not disadvantage individual ratepayers as long as the relativity between residential, commercial and rural rating sectors remains unchanged. It is intended that the General Revaluation be carried out as soon as is reasonably practical. The determination of this timing will need to balance any changes in relativity between rating sectors with the progress of repairing and rebuilding properties, and the loss in capital value that an early General Revaluation would cause.
16. It is recommended that the Council supports the making of an Order in Council to effect the proposal. Council staff, LINZ, the Valuer-General, Waimakariri District Council, Selwyn District Council, Environment Canterbury, the Canterbury Earthquake Recovery Authority and DIA officials all understand the problem and accept that a pragmatic solution is needed.

**FINANCIAL IMPLICATIONS**

17. Staff have made an initial assessment of the impact of the proposed valuation approach on the city's capital value and rates take. In a normal year, Council budgets for \$800 million of growth in capital value, which increases the total rates collected by approximately \$3 million. This has the effect of reducing the rates increase to existing ratepayers by just over 1 per cent. However, the impact of the demolitions, which would be factored into the city's capital valuation for rating purposes, would reduce the total capital value by \$800 million. In addition, current data suggests that growth in rates in 2010/11 is only around half of what we would expect in a normal year. The combined effect of these factors is estimated to lower the total rates take by \$4.2 million in 2011/12.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

18. No.

**LEGAL CONSIDERATIONS**

19. Section 7 of the Rating Valuations Act 1998 requires local authorities to prepare and maintain DVRs. They are also required to keep and maintain a Rating Information Database (RID) (section 27 of the Local Government (Rating) Act 2002). This must include all information relating to each rating unit contained in the DVR.
20. Rates are assessed using the information in the RID as at the end of the financial year immediately prior to the year for which the rates are set. Rates for the 2011/12 year are to be set on the basis of the information in the RID at 30 June 2011.
21. The extent of the damage caused by the Canterbury earthquakes means that it is not possible for the Council to re-assess the value of the affected properties by 30 June 2011. Following the 4 September event, an extension of time to 1 December 2011 was granted by the Canterbury Earthquake (Rating Valuations Act) Order 2010. A further extension to 1 December 2013 will be sought.

**25 Cont'd**

22. The conclusion reached is that an Order in Council is the only way to deal with this matter. Central Government officials are in the process of preparing advice for the relevant Ministers.
23. Section 71 of the Canterbury Earthquake Recovery Act 2011 states that Orders in Council may be made to grant exemptions from, modify, or extend any provisions of any statute for all or any of the purposes stated in the Act. One of those purposes is to provide appropriate measures to ensure that the Council and its community respond to, and recover from, the impacts of the Canterbury earthquakes.
24. A decision by the Council to adopt the recommendations set out in this report would fall within the purposes of the Act.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

25. N/A.

**ALIGNMENT WITH STRATEGIES**

26. N/A.

**CONSULTATION FULFILMENT**

27. Staff from Christchurch City Council, LINZ, the Valuer-General's office, Waimakariri District Council, Selwyn District Council, Environment Canterbury, the Canterbury Earthquake Recovery Authority and DIA have been in discussions with regard to this matter.

**STAFF RECOMMENDATION**

It is recommended that:

- (a) the Council seek Orders in Council under section 71(2) of the Canterbury Earthquake Recovery Act 2011 to modify the relevant provisions of the Rating Valuations Act 1988 and the Rating Valuations Rules 2008 as follows:
  - (i) as the Council will be unable to complete a General Revaluation by 30 June 2011, the 2007 General Revaluation will continue to be used to set rates;
  - (ii) maintenance of the District Valuation Roll only be allowed in the circumstances outlined in the bullet points of Para 9;
  - (iii) Council be permitted to reduce the rates on a demolished building with effect from the date of demolition and to begin rating a new building from the date of completion.

9. 6. 2011

27. NOTICES OF MOTION

28. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.