**From:** salima <spadamsey@yahoo.com>

**To:** Mayor K. Gurunathan <k.gurunathan@kapiticoast.govt.nz>; Janet Holborow <janet.holborow@kapiticoast.govt.nz>; Angela Buswell <angela.buswell@kapiticoast.govt.nz>; Councillor Jackie Elliott <jackie.elliott@kapiticoast.govt.nz>; Bernie Randall <bernierandall@gmail.com>; Councillor Jocelyn Prvanov <jocelyn.prvanov@kapiticoast.govt.nz>; Councillor Robert McCann <robert.mccann@kapiticoast.govt.nz>; Gwynn Compton <gwynn.compton@gmail.com>; Councillor Martin Halliday <martin.halliday@kapiticoast.govt.nz>; Councillor Sophie Handford <sophie.handford@kapiticoast.govt.nz>

**Sent:** Monday, 22 August 2022, 11:29:49 GMT+12

**Subject:** Fw: Thank you for your phone call yesterdayD

Good Morning Mayor and Councillors,

I am forwarding you the email that I sent to your current CEO on 8th April 2022.

To date, I have had neither a response nor acknowledgement from Mr Simpson regarding the matter of Mr Bolger's bullying.

Regards,

Salima Padamsey

Chair - Coastal Ratepayers United

**From:** salima <spadamsey@yahoo.com>

**To:** Gary Simpson <gary.simpson@kapiticoast.govt.nz>

**Sent:** Monday, 8 August 2022, 11:33:43 GMT+12

**Subject:** Fw: Thank you for your phone call yesterdayD

Mr Simpson,

Thank you for taking the time to meet with Chris and me last week.

As you are now aware, since October last year, CRU has been trying to reconcile the issue of LIMs with Council in line with the Weir ruling by Judge Williams.

I look forward to Council's response on this matter within 2 weeks as agreed.

Another matter you raised at the meeting was the issue of CAP and CRU's position.  As I stated, CRU has no confidence in CAP.  Moreover, CAPs' processes lack integrity.

As I stated at the meeting, I received a bullying phone call from Mr. Bolger on 25 January.  His comments were a personal attack on myself, my committee and my members.  Such a phone call demonstrates that Mr. Bolger has already made up his mind about CRU.

The Mayor was informed of this phone call and its contents in early February.

Further to this incident, Mr. Bolger continued his personal attacks on me and my members at the Waikanae Market - on 16 July.  These comments were in line with those made on 25 January.

To that end, I would appreciate your assurances as the current CEO that Mr. Bolgers' personal attacks will stop.

To put this matter into context and CRU's legal position, I am now forwarding you all communication between Mr.  Bolger and myself regarding this incident including the legal opinion I obtained from our principal solicitor.

I look forward to hearing from you.

-

Regards,

Salima Padamsey

Chair - Coastal Ratepayers United

**From:** salima <spadamsey@yahoo.com>

**To:** Jim Bolger <jim.bolger@outlook.com>

**Sent:** Saturday, 29 January 2022, 13:15:21 GMT+13

**Subject:** Thank you for your email of 26 January

Dear Mr Bolger

I appreciate your reply and your offer of a meeting.

Since our conversation, I have received advice from our lawyer.

Instead of summarising the legal advice, I am simply pasting the relevant part of it so that you can see the where and why of CRU’s position.

Regards,

Salima

**Legal Advice**

*I have read your file note of a conversation with Mr Bolger (initiated by him) on 25 January.  Frankly, it is disturbing.  I recall that many of the members who attended the CRU AGM were uneasy and disappointed in the tenor of Mr Bolger’s comments, and also in his reluctance or inability to give any assurances on the CAP process, particularly in relation to neutrality, openness and transparency.  This latest conversation might well resolve any doubts that CRU had, at least on those issues.*

*Our starting position is that the Local Government Act describes in some detail the Council’s obligations in relation to engagement with people and communities who might be affected by Council decisions.  Those obligations are not extinguished by outsourcing the engagement process.  Ideally, all of this process should have been clear and prominent when the public was advised about CAP.  But this did not happen.  What we do know about the CAP process (from Mr Bolger) is not remotely compliant with the LGA obligations.*

*On that basis, it was important for CRU to establish just what decisions, directions and briefings were given to CAP by Council.  That was the basis of the CRU OI request of 17 November 2021.  I see that you sent Mr Bolger a copy of that request, and he will note that it concluded ‘CRU requires the information to enable it to consider whether it should attempt to work with the CAP process.  It will only do so if it regards the process as neutral, fair, transparent, properly informed, and competent.’*

*In my view, that position was appropriate for CRU then, and it remains so.  The requested information on CAP has not yet been supplied.*

*Council, I recall, was told by CRU that in the absence of the information requested it would have to make the best judgments it could in relation to what would be said in the publicity campaigns in January 2022 and subsequent months. This meant that whatever was said by CRU about CAP was based largely on Mr Bolger’s inability to supply information that would create confidence in the process –  in fact, he achieved the complete opposite.  And whatever was said by CRU about Council was based on a long line of well-documented efforts to make significant decisions without the necessary consultation or the understanding of their effects.  Council has always been in a position to have an honest and constructive relationship with CRU, but has rejected every opportunity to do so.*

*The CRU relationship with Council is probably broken beyond repair without both attitudinal and personnel changes within the organisation.  In the time I have advised CRU, there have been at least 6 managers responsible for coastal planning.  The result of this is virtually no Council institutional knowledge of past failures, problems or promises.  The only constant seems to be a deep antipathy or suspicion towards any community inputs.  I don’t know what, if any, briefings were provided by Council to CAP, but I would guess with a high degree of certainty that CRU was cast in a very negative light.  Adding this background to Mr Bolger’s comments and behaviour makes me advise extreme caution in any discussions.*

*We should wait to see what information is provided by Council on the CAP process.  If, as CRU suspects, it has all been left to Mr Bolger to make up on the basis of skewed or no background information, it will be difficult to justify any engagement with CAP.  CRU would simply be validating a process which is riddled with legal non-compliance, and its members will suffer with another set of misinformed and uninformed decisions which will have to be litigated.  If that happens, all of the events of the last few weeks, including discussions, will be covered in affidavit evidence.*

*There is a final separate issue which is also troubling.  I raised the issue of LIMs with Council in October last year and reminded it of the High Court’s ruling in the Weir case.  Council’s lawyer Tim Power agreed that the content of any LIMs would be discussed with CRU before they were put in place (those discussions have been delayed by him, as has the receipt of the second Jacobs report).  He also agreed that LIMs were nothing to do with CAP.  Yet in December he told me that Council was currently working through concerns raised by CAP in relation to LIMs.  According to your file note, Mr Bolger has no knowledge of this.   It is an inescapable conclusion then that, either someone else is also talking for CAP without Mr Bolger’s knowledge, or somebody is not being truthful.*

*For these reasons, I would advise against any discussions with Mr Bolger or CAP until you have clarity on how it proposes to operate.  Once that clarity exists, CRU can decide (possibly at an SGM)  how and whether to engage with CAP, or whether to continue its direct messaging to the public and to councillors.*

**From:** Jim Bolger <jim.bolger@outlook.com>

**To:** salima <spadamsey@yahoo.com>

**Sent:** Wednesday, 26 January 2022, 22:30:57 GMT+13

**Subject:** Re: Thank you for your phone call yesterday

Salina

Apologies I somehow pushed send before email finished. Let me continue:

A note in the AGM minutes that’ the scientific controversy out of the debate was discussed and noted. It was felt CRU needed to concentrate their efforts in the areas that matter and that arguing the science was difficult.’

I found that observation interesting for if the science was too difficult what are the issues that matter?

Perhaps we had better meet up again for a coffee and discuss what matters CRU consider to matter and be important.

Please advise when you are able to meet with me.

Keep safe

Jim

Sent from my iPhone

----- Forwarded message -----

**From:** Jim Bolger <jim.bolger@outlook.com>

**To:** salima <spadamsey@yahoo.com>

**Sent:** Wednesday, 26 January 2022, 22:12:37 GMT+13

**Subject:** Re: Thank you for your phone call yesterday

Dear Salima

Thanks for your email and attachments which I have read with interest.

In particular your take on my presentation and answers to the many questions put forward at your AGM. Clearly I was a big disappointment from your perspective.

I was at least equally disappointed that despite my many requests during our phone call that you explain how you could agree to put in a public document/ advertisement that under the heading of  ‘what’s next’ you boldly assert without any explanation that their work will precede another round of hazard lines and restrictions on your property.

Perhaps a note included in the minutes that:

‘The sci

Sent from my iPhone

On 26/01/2022, at 1:25 PM, salima <spadamsey@yahoo.com> wrote:

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Mr. Bolger,

Thank you for your phone call yesterday afternoon.  For your records, I have attached the following documents:

1.  CRU November update to Council

2.  CRU AGM minutes

3. Official Information Request regarding CAP process (sent to Council in November last year).

In terms of your comments that CRU are "bullshitters", we'll be asking for legal advice if CAP is in a position to consider anything with CRU with an open mind.

I've sent a file note of our conversation to CRU solicitor.

Regards

Salima Padamsey

Chair - Coastal Ratepayers United