



Hastings District Council

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OPEN

A G E N D A

COUNCIL MEETING

Meeting Date: **Thursday, 31 October 2013**

Time: **2.00pm**

Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Council Members	Chair: Mayor Yule Councillors Bowers (Deputy Mayor), Bradshaw, Dixon, Hazlehurst, Heaps, Kerr, Lester, Lyons, Nixon, O'Keefe, Pierce, Poulain, Roil and Watkins
Officer Responsible	Chief Executive – Mr R McLeod
Council Secretary	Committee Secretary – Carolyn Hunt (Extn 5634)

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

THURSDAY, 31 OCTOBER 2013

VENUE: Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings

TIME: 2.00pm

A G E N D A

**The meeting will open with the
Chief Executive, Mr Ross McLeod in the Chair**

- 1. Prayer**
- 2. Apologies & Leave of Absence**

At the close of the agenda no apologies had been received.

At the close of the agenda no requests for leave of absence had been received.

- 3. Conflict of Interest**

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or Group Manager Corporate & Customer Services (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

- 4. Minutes for Confirmation**

There were no minutes to confirm.

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REPORT TO: COUNCIL

MEETING DATE: THURSDAY 31 OCTOBER 2013

**FROM: LEGAL OFFICER
PETER WOODROFFE**

SUBJECT: MAKING AND ATTESTING OF DECLARATIONS OF MEMBERS

Item 5

1.0 SUMMARY

- 1.1 The purpose of this report is to describe the process for receiving the declarations of the Mayor and Councillors.
- 1.2 This first meeting of the Council following the 2013 triennial elections will be opened by the Chief Executive, Mr Ross McLeod, in the Chair. The Chief Executive will receive and witness the oral declaration of His Worship the Mayor (**Attachment 1**)
- 1.3 Mayor Yule will assume the Chair and receive the oral declarations of the Councillors (**Attachment 2**) which will be witnessed by the Mayor and Chief Executive.

2.0 BACKGROUND

- 2.1 Schedule 7, Part 1, clause 21 of the Local Government Act 2002 states:

“The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the chairperson has made and attested the declaration required under clause 14”

- 2.2 Schedule 7, Part 1, clause 14 of the Local Government Act 2002 states:

“(1) A person may not act as a member of a local authority until –

- (a) That person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and*
- (b) A written version of the declaration has been attested as provided under subclause (2)*
- (2) The written declaration must be signed by the member and witnessed by -*
- ... (b) the mayor; or ... (d) the chief executive of the local authority.”*

3.0 RECOMMENDATION

That the report of the Legal Officer titled “Making and Attesting of Declarations of Members” dated 31/10/2013 be received.

Attachments:

1 Declaration by Mayor and Councillors

CG-10-1-316

a) Declaration by the Mayor

"I, _____, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Hastings District, the powers, authorities, and duties vested in, or imposed upon, me as Mayor of the Hastings District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act".

b) Declaration by Members

"I, (Full name), declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Hastings District, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Hastings District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act".

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 31 OCTOBER 2013

**FROM: LEGAL OFFICER
PETER WOODROFFE**

SUBJECT: STANDING ORDERS

Item 6

1.0 SUMMARY

- 1.1 In accordance with clause 27 of Schedule 7 of the Local Government Act 2002, a local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees. The standing orders must not contravene the Local Government Act, the Local Government Official Information and Meetings Act 1987 (LGOIMA), or any other Act.
- 1.2 A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.

2.0 CURRENT SITUATION

Hastings District Council's current standing orders are based on NZS Model Standing Orders 9202:2003 and incorporate amendments that have previously been adopted by Council and further proposed amendments.
(CG-08-9-11-148)

- 2.1 After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of no less than 75% of the members present.
- 2.2 Members have been provided with a copy of the adopted Standing Orders.

3.0 RECOMMENDATION

That the report of the Legal Officer titled "Standing Orders" dated 31/10/2013 be received.

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 31 OCTOBER 2013

**FROM: LEGAL OFFICER
PETER WOODROFFE**

SUBJECT: CONFLICTS OF INTEREST

Item 7

1.0 SUMMARY

- 1.1 The purpose of this report is to inform members about the following Conflicts of Interest statement that appears on order papers for Council and Committee meetings.
- 1.2 An explanation of the Local Authorities (Members' Interests) Act 1968 appears in the Legal Officers report under Agenda Item 8, Legislation Affecting Members. However, Members may also have non-pecuniary conflicts of interest. The Conflict of Interest statement serves as a reminder to members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.
- 1.3 The current wording of the statement is as follows:

“Conflicts of Interest

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or Group Manager Corporate & Customer Services (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member”.

- 1.4 Clause 3.15.2 of the Hastings District Council Standing Orders provides as follows:

“Notification of pecuniary interests to chief executive

In order to ensure that members are able to participate freely in debate where they do not have pecuniary interests, members shall provide notification of financial interests and those of their spouse/partner to the Chief Executive within one month of the meeting at which they are sworn in. The Register of Members' Financial Interests will be held by the Chief Executive and every six months members will be requested to update their financial interests”.

1.5 Officers will contact members requesting the appropriate information in due course.

2.0 RECOMMENDATION

That the report of the Legal Officer titled “Conflicts of Interest” dated 31/10/2013 be received.

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 31 OCTOBER 2013

**FROM: LEGAL OFFICER
PETER WOODROFFE**

SUBJECT: LEGISLATION AFFECTING MEMBERS

Item 8

1.0 SUMMARY

- 1.1 The Chief Executive has asked for a report for councillors and community board members summarising legislation affecting elected members. Such a paper is attached to fulfil the requirements of clause 21 of schedule 7 of the Local Government Act 2002.
- 1.2 The paper refers specifically to councillors rather than “members”. Members of the Rural Community Board are similarly bound by the same provisions in respect of the operations of the Board.

2.0 RECOMMENDATION

That the report of the Legal Officer titled “Legislation Affecting Members” dated 31/10/2013 be received.

Attachments:

- 1 Legislation Affecting Members CG-10-1-315

KEY LEGISLATION AFFECTING COUNCILLORS IN THEIR DUTIES**A) Local Government Act 2002**

This is the main piece of legislation setting out the role and functions of councils.

It covers a huge range of council functions. Key areas include:

- Purpose of Local Government and Role and Powers of Local Authorities
- Structure and Reorganisation of Local Government
- Local Government Commission
- Governance and Management of Local Authorities and Community Boards
- Council-controlled Organisations and Council Organisations
- Decision-making
- Consultation
- Community Outcomes
- Planning - The Ten Year Plan (Long-Term Council Community Plan)
- Annual Report
- Financial Management
- Borrowing
- Water Services
- Bylaws
- Enforcement Powers
- Development Contributions
- Offences and Legal Proceedings
- Reorganisation of Local Authorities
- Constitution of Communities
- Provisions regarding members & meetings & employment matters

B) Local Government Act 1974

The provisions of the Local Government Act 1974 remain in relation to roading and some drainage provisions.

C) Secret Commissions Act 1910

This makes it an offence for a councillor to accept (or attempt to obtain) for the councillor or any other person a gift, inducement or reward for doing or not doing something. The maximum penalty is two years' imprisonment or a \$1,000 fine.

There are similar provisions against bribery in the Crimes Act with even harsher penalties (maximum penalty of 7 years imprisonment)

D) Local Authorities (Members' Interests) Act 1968

This is a very important Act.

It is designed to maintain *natural justice*, to ensure that councillors' decisions are not affected by any personal motive.

Pecuniary Interest

A councillor must not discuss or vote on any matter in which the councillor or his/her spouse has a direct or indirect pecuniary (i.e. monetary) interest.

A failure to abide by the pecuniary interest prohibition is an offence and is likely to lead to prosecution and removal from office.

If you believe you have a pecuniary interest, you need to declare your interest to the meeting (you do not need to give details). You need to ensure that the minutes of the meeting subsequently record your declaration and abstention from discussion and voting.

The Council maintains a voluntary register of councillors' interests to assist staff in giving councillors help with this area. It is, however, your responsibility as a councillor to declare a potential interest, not the staff's responsibility to police it.

Contracts

A councillor cannot be involved in contracts with a council for which total payments exceed \$25,000 in a financial year. This includes contracts made by the councillor, or their spouse, or contracts with any company in which the councillor or the councillor's spouse has ten percent or more of the issued capital or of which either the councillor or spouse is the managing director or general manager (however named).

It may be possible to obtain prior Audit New Zealand approval for contracts greater than \$25,000.

An example of a pecuniary interest

A member who voted on a roading proposal affecting a shopping centre in which he had a shop was held to have a pecuniary interest.

The moral of the story is:

“When in doubt, don't discuss it or vote on it and make sure your abstention is recorded.”

E) Local Government Official Information and Meetings Act 1987

The principal purposes of this Act are:

- To make official information held by local authorities more freely available.
- To provide for proper access by each person to official information relating to that person.
- To provide for the admission of the public to meetings of local authorities.

- To protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the protection of personal privacy.

The fundamental principle of the Act is that information should be made available unless there is good reason for withholding it. A number of procedures are set out under the Act for the achievement of this principle and these purposes. The Council's standing orders are in many respects a combination of parts of the Local Government Act 2002 and the requirements of the Local Government Official Information and Meetings Act 1987.

F) Crimes Act 1961

Sections 105 and 105A of the Crimes Act 1961 prescribe a maximum penalty of seven years' imprisonment for any member or officer found guilty of bribery and corruption as well as any member or officer of the Council who corruptly uses information to obtain a pecuniary gain for that person or any other person. Section 99 defines bribery and makes it clear that both staff and councillors are covered by the provisions.

G) Resource Management Act 1991

Members of the Council on the Hearings Committee and members of the Planning & Regulatory Committee will have extensive involvement with this Act. The purpose of the Act is to promote the sustainable management of natural and physical resources.

H) Securities Act

The Council is subject to the Securities Act 1978 in relation to the issue of securities to the public, in particular the form and content of prospectuses.

I) Local Electoral Act 2001

This Act and its subordinate regulations control the running of council elections.

J) Local Government (Rating) Act 2002

This Act provides a code for the setting and collection rates.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 31 OCTOBER 2013

FROM: GROUP MANAGER: CORPORATE AND CUSTOMER SERVICES
MIKE MAGUIRE

SUBJECT: ELECTED MEMBERS REMUNERATION

1.0 SUMMARY

- 1.1 The purpose of this report is to advise the elected members on the remuneration system to apply for the new term of the Council.
- 1.2 This issue arises from the fact that the Remuneration Authority has changed the way that remuneration for elected members is determined.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.4 This is an administrative matter arising from the implementation of a new remuneration framework for elected representatives.
- 1.5 This report concludes by recommending that the information be received.

2.0 BACKGROUND

- 2.1 The level of remuneration for councillors, committee chairpersons and Rural Community Board members of the Council was previously paid from a "pool" of money set by the Remuneration Authority. This pool was established on the basis of the population, expenditure and asset base of each local authority. The Remuneration Authority set the salary for the Mayor as a separate exercise and this was deducted from the total pool available to the Council.
- 2.2 Only 50% of the remuneration of community board members came out of the pool.
- 2.3 The actual amount paid to elected members was then assessed using a formula which allocated portions of the pool to the various elected members, i.e. councillors, chairpersons and community board members, using a councillor's position as the base.

3.0 NEW REMUNERATION SYSTEM

- 3.1 The Remuneration Authority recently undertook a job sizing exercise with a cross section of sample councils and from this developed a size index which is a measure of the relative size and complexity of each council's business. From this it has determined the Mayor's salary and a base salary for members of each council and each community board member in New Zealand. For the

Hastings District Council the remuneration set by the Authority which will take effect immediately following the election is as set out below:

Mayor	\$121,950
Councillor	\$36,400
Community Board Chairperson	\$13,000
Community Board Member	\$6,500

- 3.2 The Authority recognised that some elected members, e.g. deputy mayor, chairpersons, deputy chairpersons, and portfolio holders might have additional responsibilities and these should be recognised by an additional payment and it asked each council to consider this question.
- 3.3 The Hastings District Council considered this question in June this year and decided on the following additional payments.

Deputy Mayor	Plus \$13651 = \$50,051
Committee Chairperson	Plus \$6825 = 43,225
Portfolio Leader	Plus \$3412 = 39,812

4.0 DISTRICT PLAN HEARINGS

- 4.1 The Council is now in the process of undertaking a review of its District Plan with the draft document being advertised for submission later in November. It is anticipated that there will be a reasonable number of submissions to this document which will necessitate the Council being involved in a formal hearing process which is likely to continue over a number of days for a number of months. Considering the additional work load this process will place on members of the Committee established to hear and consider these submissions it is considered appropriate that they receive an additional payment.
- 4.2 The Remuneration Authority acknowledges the additional responsibilities of those elected members who might be involved in the hearing of submissions to a District Plan review and would consider an approach to provide some additional payment. However the recent determination issued in response to the Council's decision, mentioned in 3.3 above, gives the Council no ability to make such payments.
- 4.3 Notwithstanding this it is noted that the Chairperson of the Hearings Committee while receiving the same base salary as the Chairperson of any other standing Committee also receives an additional \$20.00 per hour for the time spent preparing for, and for the duration of, hearings above that paid to other Hearings Committee members. This would appear to provide that person with an inequitable advantage over other elected members.

4.4 Preliminary calculations indicate that if this additional payment was not paid to the Chairperson but instead made available to the Chairperson and the five members of the District Plan Hearings Committee they could be paid an additional \$120.00 and \$100.00 per day respectively, to a maximum of \$12,000 in any financial year, which would be sufficient for 19 days of hearings.

5.0 OPTIONS

5.1 The only area where the Council now has any discretion is in respect of the payments for additional responsibilities, the Council has no discretion as to the payment of the base salaries set by the Remuneration Authority.

2.0 RECOMMENDATION

- A **That the report of the Group Manager: Corporate and Customer Services titled “Elected Members Remuneration” dated 31/10/2013 be received.**
- B **That an application be made to the Remuneration Authority for a revised determination authorising the payment to the Chairperson and Members of the District Plan Hearings Committee of \$120.00 and \$100.00 respectively for each day, or part day, during which the Committee sits to hear or consider submissions to the Review of the District Plan.**

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 31 OCTOBER 2013

**FROM: GROUP MANAGER: CORPORATE AND CUSTOMER SERVICES
MIKE MAGUIRE**

SUBJECT: DELEGATIONS TO COMMITTEES AND RURAL COMMUNITY BOARD

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from the Council on the adoption of a set of delegations to Committees, the Hastings District Rural Community board, subcommittees and working parties.
- 1.2 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances. This decision is principally administrative and relates to all the elements of the purpose of local government.
- 1.3 This report concludes by recommending that the attached delegations register be adopted.

2.0 BACKGROUND

- 2.1 A council's committee structure is a subordinate decision-making structure established under the provisions of the Local Government Act 2002 and more directly under the provisions of Schedule 7.
- 2.2 Essentially the use of a committee structure is to enable governance decision-making to occur in a timely and responsive manner so as to allow the business of the Council to operate efficiently and effectively while ensuring democracy principles are given appropriate cognisance.
- 2.3 The committee structures used by councils throughout New Zealand have many variations reflecting the "local" flavour and preferences of the communities the particular councils serve.
- 2.4 The Hastings Districts Council established a committee structure based on four standing committees in 2012. Discussions with the Mayor have confirmed that he proposes to recommend a similar committee structure to that which existed in the previous triennium.

3.0 CURRENT SITUATION

- 3.1 The Committees and Rural Community Board Delegations Register attached as Schedule 1 has been prepared based on the register adopted by the Council on 19 April 2012.

- 3.2 Following is a summary of the changes.
- 3.3 There has been some minor change to the introductory text to reflect the changes to the Local Government Act 2002, in particular to reflect the provisions of section 40A that provides a range of powers to the Mayor. There has also have been a number of minor changes made throughout the text of the document to correct typographical errors and/or to add clarity.
- 3.4 The delegated powers to the Tenders Subcommittee have been increased from \$7 million to \$8 million.
- 3.5 The representation review subcommittee has been deleted and a number of changes have been made to the delegations to the Hastings District Council: Maori Joint Committee to reflect the outcome of a workshop in September. In particular reference has been made to the development of an integrated policy framework (based on treaty of Waitangi principles) for the delivery of effective governance, engagement and service delivery to the District's Maori Communities.
- 3.6 Changes have also been made to the membership of the Hearings Committee to include one member appointed by the Council from among the Maori Joint Committee and in addition the chairman of the Maori Joint Committee has been added to the Chairmen's Committee.
- 3.7 A new committee has been added to the structure as the Hastings District Plan Hearings Committee specifically to assist by hearing and determining submissions to the District Plan Review. The final decision to adopt the District Plan will remain with the full Council.
- 3.8 The District Plan Working Party has been removed from the register as has the Review of the Regional Support and Active Recreation Strategy Working Party as these working parties are no longer required.
- 3.9 The Portfolio Leadership provisions have been amended in accordance with the recommendations from the media and the Tender Awards Panel provisions have been modified slightly to reflect the financial changes in the Tenders Subcommittee provisions.

4.0 OPTIONS

- 4.1 The overall options available to the Council are to accept the proposals set out in this report or to modify the proposals or to propose an alternate approach. The proposed Committee Structure and proposed delegations together with a set of principles are set out in **Schedule 1 attached**.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 Having in place an appropriate subordinate decision-making structure is an important matter for the Council. It does not however trigger any of the thresholds within the Council's significance policy, consultation is therefore neither required nor appropriate.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 This is a political decision. The proposed structure is in essence the status quo (subject to some minor changes). However, an alternative does exist

which would be for the Council itself to deal with all matters. In this case the Council would transact all the business that needs to be undertaken. It would obviously need to meet more frequently than has been the case however with the Committees in the past comprising all members this is effectively what has been happening.

- 6.2 If a decision for a council-only option were taken then the delegations set out in the schedule become unnecessary and meeting frequency would need to be further considered. In addition an alternative method of portfolio management would likely need to be developed.
- 6.3 The proposed model provides a structure that enables timely and responsive decision-making. The delegations that are set out have been modified to reflect changes and improvements on the previous set of delegations and recommendations from the Mayor. Adoption of the delegations are to enable the Council to undertake its business in a cost-effective manner and within reasonable time frames in a manner that meets the objectives of the legislative framework within which Council operates.

7.0 PREFERRED OPTION/S AND REASONS

- 7.1 As stated, this is in essence a political decision. However, the preferred option is for the Council to adopt the delegations set out in the attached schedule.

8.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Group Manager: Corporate and Customer Services titled "Delegations to Committees and Rural Community Board" dated 31/10/2013 be received.**
- B) That the Committee Structure and Principles contained in Schedule 1 are adopted and,**
- C) That the Powers, Duties and Functions set out in Schedule 1, Hastings District Council Committees and Rural Community Board Delegations Register 31 October 2012 are delegated to the Committees, Subcommittees and Working Parties identified in the Schedule**

With the reasons for this decision being that the objective of the decision will contribute to fulfilling of the council obligations the local government act 2002 in a way that is most cost-effective for households and business by:

- i) Ensuring the Council has in place appropriate delegations to enable timely decisions decision making.**

Attachments:

- | | | | |
|---|---|----------------|----------------------|
| 1 | 2013 Committee and Rural Community Board Delegations Register | CG-08-9-13-172 | Under Separate Cover |
|---|---|----------------|----------------------|

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 31 OCTOBER 2013

**FROM: LEGAL OFFICER
PETER WOODROFFE**

SUBJECT: VOTING SYSTEMS FOR CERTAIN APPOINTMENTS

Item 11

1.0 SUMMARY

1.1 Clause 24 (3) of Schedule 7 of The Local Government Act 2002 requires that every act or question coming before a local authority must be done or decided by open voting. In other words, the Council cannot hold a secret ballot to determine who gets appointed to any position or positions.

1.2 Clause 25 of Schedule 7 gives two systems for:

- a) the election or appointment of the deputy mayor; and
- b) the election or appointment of the chairperson and deputy chairperson of a committee; and
- c) the election or appointment of representatives on other organisations.

1.3 The 2 systems, are called in the Act, System A and System B.

1.4 System A –

- a) provides that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority present and voting; and
- b) has the following characteristics:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in getting a majority in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
 - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.
- e.g. If there are 3 candidates and all 15 members are present and vote, the majority is 8

Round 1 - Candidate A 6 votes
Candidate B 5 votes
Candidate C 4 votes

Candidate A does not have 8 votes, the required majority so

Candidate C is excluded

Round 2 - Candidate A 8 votes

Candidate B 7 votes

Candidate A has the majority and is successful

Item 11

1.5 System B –

- a) provides that a person is elected or appointed if he or she receives more votes than any other candidate; and
- b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

1.6 There is no casting vote in these situations, as Clause 25 provides for ties to be resolved by lot.

1.7 System A, provides greater scope for members to express their preferences and is the one recommended. System A was used by the previous Council at its first meeting in October 2010.

2.0 RECOMMENDATION

- A. That the report of the Legal Officer titled “Voting Systems for Certain Appointments” dated 31/10/2013 be received.**
- B. That, for the election of the Deputy Mayor, the election of the Chairpersons and Deputy Chairpersons of committees, and the election or appointment of representatives of the Council to other positions, the Council use the system called in this report System A, as provided for by the Local Government Act 2002.**
- C. That the Council note that the Mayor has no casting vote.**

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 31 OCTOBER 2013

**FROM: LEGAL OFFICER
PETER WOODROFFE**

**SUBJECT: ELECTION OF DEPUTY MAYOR, COMMITTEE
CHAIRPERSON AND DEPUTY COMMITTEE
CHAIRPERSONS FOLLOWING 2013 TRIENNIAL
ELECTIONS**

Item 12

1.0 SUMMARY

1.1 The purpose of this report is to inform the Council about the requirement to elect a Deputy Mayor under clause 17 of schedule 7 of the Local Government Act 2002.

2.0 BACKGROUND

2.1 The following extracts from clause 17 relate to the election and functions of the deputy mayor:

- (1) A territorial authority must elect 1 of its members to be its deputy mayor in accordance with clause 25.
- (2) The deputy mayor must perform all the responsibilities and duties, and may exercise all the powers of the mayor –
 - (a) with the consent of the mayor, at any time during the temporary absence of the mayor
 - (b) without that consent, at any time while the mayor is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office;
 - (c) while there is a vacancy in the office of the mayor.
- (3) In the absence of proof to the contrary, a deputy mayor acting as mayor is presumed to have the authority to do so.
- (4) A deputy mayor continues to hold his or her office as deputy mayor, so long as he or she continues to be a member of the territorial authority, until the election of his or her successor.

3.0 CURRENT SITUATION

- 3.1 The Council needs to elect one of its members to be Deputy Mayor.
- 3.2 The Council also needs to elect the Chairpersons and Deputy Chairperson of the Committees that it resolves to establish today.

4.0 RECOMMENDATION

That the report of the Legal Officer titled “Election of Deputy Mayor, Committee Chairperson and Deputy Committee Chairpersons following 2013 Triennial Elections” dated 31/10/2013 be received.

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 31 OCTOBER 2013

**FROM: DEMOCRATIC SUPPORT MANAGER
RICHARD PALMER**

**SUBJECT: COUNCIL APPOINTMENTS TO COMMITTEES,
SUBCOMMITTEES, JOINT COMMITTEES AND EXTERNAL
ORGANISATIONS**

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision on the makeup of the Council in respect of its Committees, which includes Sub-committees and Joint Committees, and the Council appointments to external organisations.
- 1.2 This issue arises as a consequence of the 2013 Triennial Election.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002.(the Act) That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.4 The objective of this decision is to ensure that the Council can give effect to the purpose of Local Government as set out in section 10 of the Act and to ensure that it is able to meet its obligations under the Act or any other legislation, in the most effective and efficient manner.
- 1.5 This report concludes by recommending that the recommendations of His Worship the Mayor in respect of these matters are adopted

2.0 BACKGROUND

- 2.1 The legislation provides that all existing elected members vacate their positions when the members elected at the triennial election come into office, which is the day after the public notice officially declaring the result of the election is published. Thus even if a member is re-elected they actually leave and then come back into office as a new member.
- 2.2 In addition any existing committee is deemed to be discharged on the coming into office of the members elected at that election.
- 2.3 As a result all these provisions all Committees and appointments need to be re-made.
- 2.4 A recent change to the Local Government Act 2002, which came into effect on the day of the election i.e. 12 October, was the insertion of a new section 41A, which for the first time sets out the role and powers of the mayor.

- 2.5 For the purposes of this exercise the relevant part of section 41A is sub-section (3) which states:

A Mayor has the following powers:

- (a) To appoint the deputy mayor
- (b) To establish committees of the territorial authority:
- (c) To appoint the chairperson of each committee established under paragraph (b) and, for that purpose, a mayor-
 - i) May make the appointment before the other members of the committee are determined; and
 - ii) May appoint himself or herself.

Section 41A also provides that a mayor is a member of all committees of a local authority.

This provision raises some concerns particularly with respect to a District Licensing Committee appointed under the Sale and Supply of Alcohol Act 2012, and the Hearings Committee, but these will be addressed at a later date.

- 2.6 While the mayor may establish a committee and determine its terms of reference he can only recommend the delegations for that committee as only the Council itself can delegate any powers or authorities to its subsidiary bodies.
- 2.7 The Mayor also cannot formally appoint the deputy chairperson of any Committee or the Council representative on an outside organisation.

3.0 OPTIONS

- 3.1 Although His Worship the Mayor has the power to make certain appointments, as explained in paragraph 2.2 above, he has decided that while he is happy to put forward his recommendations as to these matters the final decision should remain with the Council.

- 3.2 The options available to the Council are:

- 1) Adopt the recommendations put forward by His Worship the Mayor, bearing in mind that the arrangements can be reviewed or changed at any time.
- 2) Adopt in part the recommendations put forward by His Worship the Mayor with agreed changes to the committee structure and/or chairpersons or appointments to outside organisations.
- 3) Reject the decisions and recommendations of His Worship the Mayor with or without immediately adopting any alternatives.

4.0 SIGNIFICANCE AND CONSULTATION

- 4.1 The matter is not significant in terms of the Council's policy nor is any consultation required.

5.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 5.1 There are a number of reasons why committees are put in place by a Council. A committee can generally be a more effective decision making body as it operates in a less formal environment, can have a lesser number of elected members. It also can interact more easily with the staff reporting to it and therefore deal in greater depth with the issues. Another advantage is that a

committee can make better use of the elected members who have the experience and abilities relative to the committee's functions.

- 5.2 However it still needs to be borne in mind that an elected members' function, whether it be in a committee or the Council, is governance, which includes the setting of policy and monitoring performance. Matters which are clearly management issues or the application of those policies are the responsibility of the Chief Executive.
- 5.3 His Worship the Mayor in making the recommendations outlined in the attachment has interviewed, and discussed his proposals with, each elected member so as to ensure that the best use is made of them. He has also reviewed the committee structure which was in place prior to the election having regard to the business transacted and the staff delegations, to ensure that the most efficient structure has been identified.
- 5.4 The creation of committees, portfolios and the appointment of representatives can have financial implications for the Council, as chairmen and portfolio holders are entitled to a greater remuneration than councillors, and any increase in responsibility is also likely to increase the travel of those members and the mileage payable. Although the amounts concerned are relatively minor these were relevant considerations borne in mind by His Worship.
- 5.5 At the time of writing this report His Worship is still involved in interviews with his Councillors and as a result the schedule outlining his recommendations will be circulated separately.

6.0 PREFERRED OPTION AND REASONS

- 6.1 The preferred option is option 1 as this recognises the process which His Worship has gone through in conjunction with the elected members to identify the most appropriate structure.

7.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Democratic Support Manager titled "Council appointments to Committees, subcommittees, joint committees and external organisations" dated 31/10/2013 be received.**
- B) That the recommendations of His Worship the Mayor in respect of the appointment of the Deputy Mayor, the Committee structure of the Council, and the Chairpersons of the Committees, as outlined on the tabled document, be received and adopted.**
- C) That the recommendations of His Worship the Mayor in respect of the appointments to outside organisations, as outlined on the tabled document be adopted.**

With the reasons for this decision being that the it will enable the Council to give effect to the purposes of local government and to its responsibilities and obligations under the Local Government Act 2002 and any other legislation in the most effective and efficient manner.

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 31 OCTOBER 2013

**FROM: GROUP MANAGER: CORPORATE AND CUSTOMER SERVICES
MIKE MAGUIRE**

SUBJECT: PROPOSED SCHEDULE OF COUNCIL AND STANDING COMMITTEE MEETINGS FOR NOVEMBER/DECEMBER 2013

Item 14

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from the Council on the adoption of the proposed meeting schedule of Council and Committee meetings for November/December 2013.
- 1.2 Schedule 7, Part 1, Section 21(5)(d) of the Local Government Act 2002 requires the Council to set a date and time for its first ordinary meeting following the triennial local authority elections. The first ordinary meeting of the Council is proposed to be held on Tuesday, 19 November 2013 commencing at 2.30pm.
- 1.3 The meetings scheduled for November/December 2013 are as below:

MEETING	DAY	TIME	DATE
Planning & Regulatory Committee	Thurs	2.00 pm	7/11/13
Temporary Road Closures Subcommittee	Thurs	8.45am	14/11/13
Tenders Subcommittee	Thurs	9.00am	14/11/13
Councillors Tour Urban	Mon	9.00 am	18/11/13
District Development Committee	Thurs	9.00am	19/11/13
COUNCIL	Tues	2.00 pm	19/11/13
Councillors Tour Rural	Wed	9.00 am	20/11/13
Temporary Road Closures Subcommittee	Thurs	8.45am	28/11/13
Tenders Subcommittee	Thurs	9.00am	28/11/13
Audit & Risk Subcommittee	Thurs	10.00am	28/11/13
Works & Services Committee	Thurs	2.00pm	28/11/13
Rural Community Board	Mon	2.00pm	2/12/13
Finance & Monitoring Committee	Tues	2.00pm	3/12/13
Community Grants Subcommittee	Tues	9.00am	3/12/13
Omarunui Refuse Landfill Joint Committee	Fri	1.00pm	6/12/13
Temporary Road Closures Subcommittee	Thurs	8.45am	12/12/13
Tenders Subcommittee	Thurs	9.00am	12/12/13
COUNCIL	Thurs	2.00pm	12/12/13
HDC Tangata Whenua Wastewater Joint Committee	Fri	1.00pm	13/12/13

1.4 This report concludes by recommending that the Council adopt the meeting schedule as outlined.

2.0 OPTIONS

2.1 The Council can either adopt the meeting timetable or amend it.

2.2 If the Council decides to amend the meeting timetable the specific amendments should be reflected in the wording of the resolution.

2.3 A schedule of meetings for 2014 will be presented to the Council for adoption at its meeting on Tuesday, 19 November 2013.

3.0 RECOMMENDATION

A. That the report of the Group Manager: Corporate and Customer Services titled "Proposed Schedule of Council and Standing Committee Meetings for November/December 2013" dated 31/10/2013 be received.

B. That the Council adopt the meeting schedule for November/December 2013 as outlined below:

Planning & Regulatory Committee	Thurs	2.00pm	7/11/13
Temporary Road Closures Subcommittee	Thurs	8.45am	14/11/13
Tenders Subcommittee	Thurs	9.00am	14/11/13
District Development Committee	Tues	9.00am	19/11/13
COUNCIL	Tues	2.30pm	19/11/13
Temporary Road Closures Subcommittee	Thurs	8.45am	28/11/13
Tenders Subcommittee	Thurs	9.00am	28/11/13
Audit & Risk Subcommittee	Thurs	10.00am	28/11/13
Works & Services Committee	Thurs	2.00pm	28/11/13
Rural Community Board	Mon	2.00pm	2/12/13
Finance & Monitoring Committee	Tues	2.00pm	3/12/13
Community Grants Subcommittee	Tues	9.00am	3/12/13
Omarunui Refuse Landfill Joint Committee	Fri	1.00pm	6/12/13
Temporary Road Closures Subcommittee	Thurs	8.45am	12/12/13
Tenders Subcommittee	Thurs	9.00am	12/12/13
COUNCIL	Thurs	2.00pm	12/12/13
HDC Tangata Whenua Wastewater Joint Committee	Fri	1.00pm	13/12/13

Attachments:

There are no attachments for this report.