

NOTICE OF EXTRAORDINARY MEETING

NEW LYNN COMMUNITY BOARD

Pursuant to Clause 22(3) of Schedule 7 of the Local Government Act 2002, I hereby give notice that an Extraordinary Meeting of the New Lynn Community Board will be held on:-

DATE: **Monday, 5 November 2007** **TIME:** **7.30 pm**

VENUE: **New Lynn Community Centre, 45 Totara Avenue, New Lynn, Waitakere**

to consider:

- Election of Chairman and Deputy Chairman;
- Adoption of Standing Orders, Order of Business, Delegations and Meeting Schedule;
- Board Appointments to Committees, Ad Hoc and External Organisations;
- Public Forum Issues;
- Reports that will be within the scope and delegation of the Community Board.

and to take any necessary action connected therewith.

25 October 2007

Audrey Chan
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8603

MEMBERSHIP:

Mr AK Hartnett
Mrs GPJ Marshall
Ms KS Schwalger
Mrs SL Taylor, JP
Mr P van der Voort, JP

NOTE: Councillor appointments to the Community Board will take place at the First Meeting of the Council on Wednesday, 31 October 2007.

(Quorum 4 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN EXTRAORDINARY MEETING OF THE NEW LYNN COMMUNITY BOARD
TO BE HELD IN THE NEW LYNN COMMUNITY CENTRE, 45 TOTARA AVENUE,
NEW LYNN, WAITAKERE, ON MONDAY, 5 NOVEMBER 2007,
COMMENCING AT 7.30 PM**

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In accordance with Clause 21 (4) of Schedule 7, as read with Section 54(2), of the Local Government Act 2002, the meeting shall be chaired by the Chief Executive or his nominee until the election of the Chairman required by Clause 21 of Schedule 7 of that Act.

1 OPENING

The Chief Executive Officer, or his nominee, will open the meeting and members of the Community Board will be welcomed.



2 APOLOGIES



3 ELECTION OF CHAIRMAN

Pursuant to Clause 21 of Schedule 7, as read with Section 54(2), of the Local Government Act 2002, every Community Board is required to elect a Chairman from its members at its first meeting. The election shall be on the basis of open voting as required under Clause 24 of Schedule 7 of the Local Government Act 2002 with one vote by each member (and no person having a casting vote).

Clause 25, as read with Clause 37, of Schedule 7, Local Government Act 2002 requires that the Council must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

- “(a) the voting system in sub clause (3) (**system A**)*
- “(b) the voting system in sub clause (4) (**system B**)”*

described as follows:

- “(3) System A -*
 - (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee 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 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, at 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”.*

“(4) System B -

- (a) *requires 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.”*

The Chief Executive Officer or his nominee will call for nominations for the position of Chairman. In the event that more than one nomination is received the Council will be asked to determine by resolution the basis of voting (i.e. as provided by either System A in sub clause(3) or System B in sub clause (4) above) and preferred method of lot:

Preferred Method (one of):

- Dice - Highest score determines successful candidate;
- Cards - Ace of Hearts, Ace of Diamonds, Ace of Clubs, Ace of Spades;
- Ace of Hearts determines successful candidate;
- Coin - Call heads or tails. Heads determines the successful candidate.

The Board is then requested to elect a Board Member to be Chairman.

RECOMMENDATIONS

1. That the Election of Chairman report be received.
2. That the New Lynn Community Board elect one member to be Chairman of the New Lynn Community Board.



4 ELECTION OF DEPUTY CHAIRMAN

Pursuant to Clause 25 of Schedule 7 of the Local Government Act 2002, the Community Board may wish to appoint a Deputy Chairman.

Once a Deputy Chairman is appointed that person will retain that position for the entire term of office or until they resign from the position.

The election of a Deputy Chairman shall be conducted on the same basis as election of the Chairman as prescribed under Clauses 24 and 25 of the Local Government Act 2002.

RECOMMENDATIONS

1. That the Election of Deputy Chairman report be received.
2. That the New Lynn Community Board elect one member to be Deputy Chairman of the New Lynn Community Board.



5 ADOPTION OF STANDING ORDERS

A1-A64

Clause 27 of Schedule 7 of the Local Government Act 2002 requires that Local Authorities and Community Boards adopt a set of Standing Orders for the conduct of its meetings and those of its committees and subcommittees. The Standing Orders updated to incorporate the amendments required by changes to the Local Government Act 2002 and its Amendment Act 2004, were adopted by Council at its meeting held on 28 October 2004 and is attached at pages A1 to A64. Clause 16 of Schedule 7 requires that Members abide by the Standing Orders.

RECOMMENDATION

A1-A64

That the Standing Orders for the conduct of the Board Meetings and those of its Committees and Subcommittee, as attached at pages A1 to A64, be adopted.



6 ADOPTION OF ORDER OF BUSINESS

Standing Orders require that the Community Boards adopt an order of business for its meetings (Standing Order 25.1).

RECOMMENDATION

That the New Lynn Community Board determine the Order of Business for its meeting during the 2007-2010 term of the Board. A suggested Order of Business is as follows:

ORDER OF BUSINESS

Apologies
Confirmation of Minutes
Urgent Business
Deputations/Petitions
Public Forum
Chairman's Report
Committee Secretary's Report
Officers' Reports
Notices of Motion
Board Members' Reports



7 DELEGATIONS TO COMMUNITY BOARDS AND ESTABLISHMENT OF STREET EVENTS SUBCOMMITTEE

A65-A102 At its First Meeting of the 2007-2010, Council established the Council Committees and adopted the document "*Delegation to Committees and Community Boards Register*", a copy of which is attached at pages A65 to A102.

RECOMMENDATIONS

- A65-A102
1. That the New Lynn Community Board note the authorities delegated to the Community Board and establish a Street Events Subcommittee under the Community Board as set out in the Delegation to Committees and Community Boards Register attached at pages A65 to A102.
 2. That the New Lynn Community Board appoint one of the Board's member to its Street Events Subcommittee.



8 ADOPTION OF THE MEETING SCHEDULE

A103-A141 Section 21(5)(d) of Schedule 7 of the Local Government Act 2002 provides for the Local Authority at its first meeting to adopt a schedule of meetings. A proposed meeting schedule for the Board until October 2010 is attached at pages A103 to A141.

The Board now needs to confirm the meeting dates and times.

RECOMMENDATIONS

A103-A141 That the schedule of meetings of the New Lynn Community Board for the remainder of 2007 and for the years 2008, 2009 and 2010 until October as attached at pages A103 to A141 be adopted.



9 COMMUNITY BOARD APPOINTMENTS TO COMMITTEES

The Council has requested that New Lynn Community Board nominate one member and one alternate member to participate on the Community Sport Fund Allocation Subcommittee, and nominate the Chairman and one alternate member on the Long Term Council Community Plan and Annual Plan Special Committee.

The matter is forwarded accordingly for the Board's determination.

RECOMMENDATIONS

1. That the New Lynn Community Board nominate one member and one alternate member to participate on the Community Sport Fund Allocation Subcommittee.
2. That the New Lynn Community Board nominate the Chairman and one alternate member to attend, with speaking rights, all meetings of the Long Term Council Community Plan and Annual Plan Special Committee held to consider, progress and recommend to Council for adoption of the Long Term Council Community Plan and Annual Plan as appropriate.



10 COMMUNITY BOARD APPOINTMENTS TO AD HOC AND EXTERNAL ORGANISATIONS

This item is brought forward to enable the New Lynn Community Board to consider the voluntary appointment of a representative on the following organisations:

OUTSIDE ORGANISATIONS	Aim/Purpose	APPOINTMENTS 2004-2007 TERM
Auckland Region and Far North Community Board Association Executive Committee	To enhance the effectiveness of Boards through the sharing of activities and philosophies and achieving consensus on important issues.	GPJ Marshall Pim van der Voort (alternate)
Keep Waitakere Beautiful Committee	Beautification, clean ups, tree planting to uphold the EcoCity principles. Involving community and schools.	EG Francke
Waitakere Citizen Advice Bureaux Inc (WaiCAB)	<ol style="list-style-type: none"> 1. To ensure that individuals do not suffer through ignorance of their rights and responsibilities, or of the services available; or through an inability to express their needs effectively. 2. To exert a responsible influence on the development of social policies and services, both locally and nationally. 	GPJ Marshall (NLCB) DJ Goodley (WCB)
City Safety Action Group (previously known as Council/ Police Liaison Group)	<p>Purpose of the CSAG is to contribute to the objectives of the Crime Prevention Plan by:</p> <ul style="list-style-type: none"> – operating as an immediate point of reference for priority crime and community safety issues as and when they arise in Waitakere – applying a problem solving approach to addressing prioritised Crime and Community Safety issues – initiating multi-agency/partnership action. – Focus predominantly on “situational” crime and community safety issues – Maintaining a short to medium term focus (relative to the 5 year period of the Crime Prevention Plan ie projects that can be completed within 1 – 12 months) – Link with and support the CPRG – Receive guidance and direction from CPRG 	EG Francke Sandra Taylor (NLCB) K Witten-Hannah (WCB) G Maurice B Jessopp (MCB) H Jones LJF Nobilo (HCB)
Waitakere Road Safety Steering Group	The aim of the Group is to involve in community networking of key Road Safety agencies and partners within the Waitakere City area.	EG Francke P van der Voort (alternate)

RECOMMENDATIONS

1. That the Community Board Appointments to Ad Hoc and External Organisations report be received.
2. That the New Lynn Community Board appoints representatives to the Ad Hoc and External organisations as outlined in the agenda report.



11 ELECTED MEMBERS REMUNERATION - REMUNERATION AUTHORITY DETERMINATION 2007- 2008

PURPOSE OF THE REPORT

The purpose of this report is to advise the Community Boards and the Council of the distribution of the pool available for the remuneration of Waitakere City Council Elected Members released by the Remuneration Authority for the period 1 July 2007 to 30 June 2008 and changed following the local authority elections as a result of changes to committee structures and Chairmen.

This is a normal review of the annual process following the local authority elections. The next new determination will be made available for the year commencing 1 July 2008.

A142 to A143

The distribution proposed must be confirmed by a formal resolution and submitted to the Remuneration Authority for re-approval. The proposal is attached at pages A142 to A143.

Consultation must take place with Community Boards who have the opportunity to advise the Remuneration Authority whether they agree or disagree with the Council's determination. A copy of this report is being forwarded to each Community Board. Comments from the Community Boards will be available at the Council meeting.

The Remuneration Authority will make the final Determination.

Until the apportionment is approved by the Remuneration Authority interim salaries are paid to all elected members. Except for the Mayor, the interim salary does not take into account any additional responsibilities such as Deputy Mayor or Chairmanships.

BACKGROUND

The Remuneration Authority is established and derives its delegations and functions from the Remuneration Authority Act 1977 and makes Determinations on local authority remuneration pursuant to clause 6 of Schedule 7 of the Local Government Act 2002.

Until the enactment of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001 (the Act), Elected Members salaries and meeting allowances were set by a determination of the Minister of Local Government. That determination set maximum salaries and meetings allowances for Local Authority Elected Members. For each determination the remuneration was linked to the population of each Local Authority. Waitakere City's determination was in the over 150,000 population category. Each incoming Council needed to resolve Elected Members salaries and meeting allowances up to the maximum permitted. Over the course of a triennium the Minister would revise the remuneration and the Council would need to consider the issue in light of any new determination.

The responsibility for setting Elected Members remuneration is now with the Remuneration Authority. The Authority is required to determine remuneration, allowances and expenses payable to all Elected Members, whilst having regard to:

- the need to minimise the potential for remuneration to distort the behaviour of Members;
- the need to achieve and maintain fair relativity with the levels of remuneration received elsewhere;
- the need to be fair to both the person whose remuneration is being determined and rate payers; and
- the need to recruit and retain competent persons.

The Remuneration Authority established remuneration for all Elected Members and all Local Authorities in 2002 following consultation on a discussion paper and the release of the first indicative pool. They have since released new pools on an annual basis and the Council has the opportunity to change the way it allocates remuneration each time a new pool is determined.

The Waitakere City Council has established the apportionment of that pool and this has been approved by the Remuneration Authority each year. The Community Boards also considered the Council's decision and made any representations to the Authority. After due consideration, the Remuneration Authority has approved the Council's apportionment of remuneration.

There is also an opportunity for review following each triennial election to take account of changes introduced by councils.

STRATEGIC CONTEXT

The Council is committed to increasing community participation and democratic processes. The way Elected Members are remunerated and the quantum of that remuneration will have considerable bearing on who can and who cannot stand for election. It has long been recognised that the role of an Elected Member can require a substantial investment of time and commitment and that this commitment can make it difficult to hold down either full or part time employment. The interests of a diverse and young community such as Waitakere are unlikely to be best served should the only candidates putting themselves forward for election be those who have private income available to subsidise the Council duties.

ISSUES

Remuneration Pool and Salaries

The total remuneration pool is set by the Remuneration Authority and cannot be adjusted. The total remuneration pool established by the Remuneration Authority for this consideration is \$1,141,883 (in 2006 the pool was \$1,078,343 and in 2005 it was \$1,026,872).

The Mayor's salary is set by the Remuneration Authority and cannot be adjusted. The Mayor's salary (including the value of any deduction for a motor vehicle) is included in the indicative pool although separately specified. The total salary payable to the Mayor is set at \$138,210 (in 2006 \$132,151 and in 2005 \$126,457), inclusive of a motor vehicle. A deduction of 20% of the cost of the vehicle is made for full private use of the vehicle. This deduction is set by the Remuneration Authority.

Half of the total sum payable to Community Board Members is deducted from the total remuneration pool and the other half is paid outside of the pool. The half outside the pool can be thought of as a "top up". Any further adjustment to the Community Board Chairmen's and Member's salaries will necessitate an adjustment to the salaries payable to Councillors other than the Mayor.

Whilst the Council has proposed changes to accommodate a different number of committees and therefore Chairmen and to make additional payments to Deputy Chairmen, no change is proposed to the amounts paid to Community Board Chairmen and Members.

Payments to appointed Community and Iwi/Maori representatives on Committees are outside the indicative pool. These payments are matters that lie with the Council and are not within the Remuneration Authority's brief. Waitakere City Council has set a salary for the Chairman of Te Taumata Runanga and meeting fees as appropriate for appointed Members to Te Taumata and any other Committees of the Council. The Council has also determined that the representative from Te Taumata Runanga on the Policy and Strategy Committee (previously the City Development Committee) be paid the same hourly rate as for Hearing Commissioners - currently \$60 per hour of meeting and workshop time. Any alteration to the determination made by the Council on this remuneration will not affect the indicative pool established by the Remuneration Authority for Waitakere City. No change is proposed to the salary paid to the Chairman of Te Taumata Runanga.

No changes are proposed to the way in which payments are claimed or made.

Any payments to Elected Members for Resource Consent Hearings are outside the pool.

Expenses, including mileage allowances, are outside the pool, although the actual amounts/rates that can be claimed are set by the Remuneration Authority.

This report also recommends amounts/rates for all allowances and reimbursement of expenses for submission to the Remuneration Authority. The only significant change is the proposal to provide cell phones to Councillors and Community Board Chairmen.

Should the Council wish to, it may request the Remuneration Authority to reduce the remuneration pool. This requires a unanimous vote of the Council.

Expenses

The Council should review the expenses currently approved by the Remuneration Authority with a view to recommending any changes. It is suggested that the retention of monthly allowances for Elected Members to cover the cost of technology and communications associated with Council business continue and that Elected Members be required to claim those allowances on their monthly claim forms except where the technology equipment is provided on Council programmes.

Elected Members may also incur expenses that arise as a direct result of carrying out the role of an elected representative. Some of those expenses not covered by allowances already paid may be claimable as an expense reimbursement through Waitakere City. Other expenses may be claimable in an annual tax return.

Elected Members need to be aware of their responsibility for all taxation issues. Each will need to keep evidence of expenditure incurred for which the appropriately selected reimbursement allowances are claimed in case Inland Revenue seeks justification of the claim.

The Remuneration Authority have jurisdiction to make the determination and have requested representations from the Council. Consequently Elected Members have no pecuniary interests in voting on salaries and personal allowances. Elected Members will be advised when the determination has been made. Each Elected Member will have a choice whether to claim payment of allowances, part claim or not to make any claim at all. With respect to salaries, Elected Members are required to take the amount that is determined by the Remuneration Authority.

Meeting Allowance Rates

No meeting allowance rates will be payable except for appointed Members to Council Committees and Subcommittees and in respect of Members acting as Hearing Commissioners. The meeting allowance rate has been adjusted by the equivalent movement to remuneration levels.

CONCLUSION

The Remuneration Authority will make the final determination for the Council and it will review the following proposals to be put forward by the Council and any submissions by the Community Boards before making that determination:

A142-A143

1. That the Council recommend the following salaries for Elected Members to the Remuneration Authority:
 - Deputy Mayor - \$77,434;
 - Chairmen of Committees;
 - (Planning and Regulatory, Finance and Operational Performance, Infrastructure and Works, NorSGA Urban Development, and Culture and Community Committees) - \$68,000.
 - Chairmen of Other Committees:
 - Chairman Long Term Council Community Plan and Annual Plan Committee - \$65,000;
 - Chairman Policy and Strategy, Emergency Services Committee - 0, Chairman Performance Review Committee - 0, Chairman Tenders, Creative Communities Funds Allocation and Community Sport Fund Allocation Subcommittees - 0.
 - Deputy Chairmen:
 - Deputy Chairmen Infrastructure and Works, Planning and Regulatory and Culture and Community Committees - \$55,000;
 - Other Councillors \$52,409;
 - Community Board Chairmen - \$23,963;
 - Community Board Members - \$12,334.
2. Resource Consent hearing fees will be paid in accordance with the determination of the Remuneration Authority (currently \$75 per hour of meeting time for the Chairman and \$60 per hour of meeting time for the Members).
3. The following reimbursements and expenses be recommended to the Remuneration Authority:
4. That Councillors and Community Board Members receive a monthly allowance to cover reimbursement of the following costs incurred as appropriate:
 - Reimbursement of one domestic line rental and one domestic line maintenance charge related to telephone, fax and email operation and the call minder facility (currently \$46);
 - The provision of a cell phone to Councillors and Community Board Chairmen on the Council's plan under the same terms and conditions as cell phones provided for business use for staff including the repayment of private calls;
 - Reimbursement of the best flat rate monthly fee available to the Council for a Broadband connection suitable for Council business operations

(currently \$69 but now \$30) (available to Community Board Chairmen but not currently available to Community Board Members).

5. That Councillors and Community Board Members claim reasonable business related core costs on telephone or cell phone on a monthly basis provided they are supported by presentation of an account detailing to whom the calls have been made.
6. That Councillors be paid a flat monthly fee of \$20 to cover all consumables (not currently available to Community Board Members) for computers including lap tops, printers, facsimiles etc.
7. That Councillors will be supplied with either a personal computer at home or a lap top if necessary. Those Councillors who provide their own computer equipment be paid an additional monthly allowance of \$50 (not currently available to Community Board Members).
8. That no other telephones, fax machines or cell phones will be provided to Elected Members except that the Mayor and Deputy Mayor will be provided with a cell phone and the Council will pay for all expenses except private calls.
9. That when on approved Council business all actual or related expenses will be met by the Council.
10. That the rate for reimbursing an Elected Members for travel, using their own motor vehicle on Council business is the maximum set by the Remuneration Authority - (currently \$0.70 per kilometre) and the Council also pays the approved rate to appointed Members. Any infringement fees e.g. parking and speeding infringements are by law the responsibility of the offender.
11. That the Chairman of Te Taumata Runanga be paid a salary of \$21,474.
12. That the non-elected Te Taumata Runanga representative appointed to the City Development Committee be paid a meeting fee aligned with those fees payable for Resource Consent hearings members (refer to Clause 3 of this resolution) (currently \$60 per hour of meeting and workshop time).
13. That all appointed non-elected Members of Council Committees (except the Te Taumata Runanga representative to the City Development Committee) and subcommittees except the Hearings Committee be paid a meeting fee of \$221.

RECOMMENDATIONS

1. That the Elected Members Remuneration - Remuneration Authority Determination 2007/2008 report be received.
2. That the New Lynn Community Board, in reference to the Remuneration Authority Determination 2007/2008:
 - a) Agrees with the recommendations as set out in the Agenda report to be forwarded to Council; or
 - b) Disagrees with the recommendations as set out in the Agenda report to be forwarded to Council, and will make a submission to the Remuneration Authority in this regard in due course.

Report prepared by: Darryl Griffin, Group Manager: Democracy and Support Services.



12 **PUBLIC FORUM**

For guidance of Community Board Members, the Council's Standing Orders have the following provisions in regard to Public Forum.

- (i) members of the public wishing to address the Board in Public Forum shall furnish their names to the Chairman at the beginning of the meeting; and
- (ii) the Chairman shall determine the order of speakers, and allow five minutes for speaking time;
- (iii) questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 provides that no resolution, decision, or recommendation may be made in respect of any specific item of business not on the agenda except to refer the items to a subsequent meeting for further discussion. Therefore, no decision may be made on matters raised in Public Forum. However, written reports on matters raised may be requested from the Chief Executive Officer.

