



Waitakere City Council

FIRST MEETING OF THE 2004-2007 COUNCIL

**Thursday, 28 October 2004
Meeting commences 6.30 pm**

AGENDA FOR THE FIRST MEETING OF THE 2004-2007 COUNCIL TO BE HELD IN THE TRUSTS STADIUM, 65 CENTRAL PARK DRIVE, LINCOLN, WAITAKERE CITY ON THURSDAY, 28 OCTOBER 2004, COMMENCING AT 6.30 PM.

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AGENDA FOR THE FIRST MEETING OF THE 2004-2007 COUNCIL TO BE HELD IN THE TRUSTS STADIUM, 65 CENTRAL PARK DRIVE, LINCOLN, WAITAKERE CITY ON THURSDAY, 28 OCTOBER 2004, COMMENCING AT 6.30 PM.

In accordance with Clause 21(4) of Schedule 7 of the Local Government Act 2002, the meeting shall be chaired by the Chief Executive until the Mayor has made and attested the Statutory Declaration required under Clause 14 of Schedule 7 of that Act.

PART A - STATUTORY ISSUES

1 OPENING

The Chief Executive will open the meeting and the Council will be welcomed.



2 APOLOGIES



3 DECLARATION BY HIS WORSHIP THE MAYOR

In accordance with the provisions under Clause 14 of Schedule 7 of the Local Government Act 2002, His Worship the Mayor will make and sign before the Chief Executive the Declaration in the form prescribed, which reads as follows:

“I, Robert Anster Harvey, 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 City of Waitakere, the powers, authorities, and duties vested in, or imposed upon, me as Mayor of the Waitakere City Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.”



4 INVESTITURE OF HIS WORSHIP THE MAYOR

His Worship the Mayor having completed the above Declaration will be formally invested as Mayor.



5 DECLARATION BY COUNCILLORS

In accordance with the provisions under Clause 14 of Schedule 7 of the Local Government Act 2002, Councillors will be required to come before His Worship the Mayor to make and sign the Declaration in the form prescribed, which reads as follows:

“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 City of Waitakere, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Waitakere City Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, and any other act.”

Declarations will be made in alphabetical order as follows:

Councillors	Derek Quentin	Battersby, JP
	Patrick John	Booth, OBE
	Man-Fai Peter	Chan, JP
	Janet Mary	Clews, QSO, JP
	Ross Ian	Clow
	Linda Ann	Cooper
	Assid Khaleel	Corban, OBE, JP
	Ross Philip	Dallow, QPM, JP
	Warren William	Flaunty, QSM, JP
	David Ewen	Gilmour
	Penelope Anne	Hulse
	Judy Patricia	Lawley
	Vanessa Shay	Neeson, JP
	Carolynne Anne	Stone



6 ELECTION OF DEPUTY MAYOR

Clause 17 of Schedule 7 of the Local Government Act 2002 requires the election of the Deputy Mayor to be conducted, in accordance with Clause 17 of Schedule 7, at the first meeting of the Council following the Triennial General Election of Members.

Clause 17 of Schedule 7 of the Local Government Act 2002 relating to the election of Deputy Mayor reads as follows:

- *“A territorial authority must elect 1 of its members to be its deputy mayor in accordance with clause 25.*
- *The deputy mayor or deputy chairperson must perform all the responsibilities and duties, and may exercise all the powers, of the mayor or chairperson,—*
 - (a) with the consent of the mayor or chairperson, at any time during the temporary absence of the mayor or chairperson:*
 - (b) without that consent, at any time while the mayor or chairperson 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 or chairperson.*
- *in the absence of proof to the contrary, a deputy mayor or deputy chairperson acting as mayor or chairperson is presumed to have the authority to do so.*
 - *a deputy mayor or deputy chairperson continues to hold his or her office as deputy mayor or deputy chairperson, so long as he or she continues to be a member of the territorial authority or regional council, until the election of his or her successor.”*

The election must be done by open voting as required by Clause 24 of schedule 7 of the Local Government Act 2002 Amendment Act 2004.

Clause 25 of Schedule 7 of this Amendment Act 2004 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.”*

His Worship the Mayor will call for nominations for the position of Deputy Mayor. In the event that more than one nomination is received the Council will be asked to determine the basis of voting (ie., as provided by either System A in subclause(3) or System B in subclause (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 Council will then be requested to elect a Councillor to be Deputy Mayor.



7 STATUTORY BRIEFING

PURPOSE OF THE REPORT

A1

The purpose of this report is to provide Councillors with the statutory briefing required by Clause 21(5)(c) of Schedule 7 of the Local Government Act 2002 (a copy of Clause 21 is attached at page A1).

BACKGROUND

At a workshop held on 19 October 2004, Councillors were given a detailed briefing on some of the matters discussed below. At the time of circulation of the agenda the Councillors have been sent a separate bundle of papers containing extracts of the relevant statutory provisions referred to in this briefing to enable more convenient filing for future reference as required.

LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987 (LGOIMA)

As the title to the Act makes clear, the statute is concerned with the availability of official information to the public and the conduct of meetings of the local authority.

Information held by a local authority, which includes information held by Elected Members, and extends to include both written information, electronic information and knowledge known to Elected Members, must be made available on request unless good reasons exist for withholding disclosure of the information. Sections 6 and 7 of Local Government Official Information and Meetings Act set out grounds for withholding disclosure of information which include:

- The maintenance of law and order, the protection of people's safety and the prevention of crime;
- The protection of individual privacy, information given in confidence, the avoidance of prejudice or loss to Members of the public and maintaining the effective conduct of public affairs through free and frank expressions of opinion;
- Maintaining legal professional privilege and protecting sensitive commercial information and negotiations.

Where a request for disclosure of information is made, there are statutory time limits within which the request must be dealt with. If disclosure is refused, that decision can be reviewed by the Ombudsman.

The grounds for excluding the public from a meeting of Council or its Committees under s.48 of Local Government Official Information and Meetings Act also turn on the provisions of s.7 of Local Government Official Information and Meetings Act. Where the public is excluded, the resolution must state the general nature of the matter being discussed, the reasons for excluding the public and identify those persons who may remain at the meeting (other than Councillors or Council officers).

Where a matter is the subject of a resolution excluding the public, or information is otherwise protected from disclosure, the Council is obliged to respect the decision to withhold that information. It may be a breach of the Councillor's duties to the Council, and to any person with whom the Council may have been dealing, to make disclosure of that information.

Sections 52 and 53 of Local Government Official Information and Meetings Act set out the circumstances of qualified privilege that attach to statements contained in an agenda or minutes of an open meeting of the Council or made in an oral statement of a local authority meeting. Anything that might be defamatory is protected unless the nature of the statement was predominately motivated by ill will or took improper advantage of the occasion of publication. Oral statements made at a Council meeting will only be protected if made in accordance with Council's Standing Orders (ie. meeting rules).

THE LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

This Act is concerned with the pecuniary interests of Councillors arising out of contracts entered into between the Council and a Councillor (s.3) or in respect of matters for discussion before the Council in respect of which a Councillor may have a direct or indirect pecuniary interest and which is not an interest which the Councillor holds in common with Members of the public (s.6). Interests held by a Councillor are extended by deeming provisions to include interests held by the Councillor's spouse or any company in which the Councillor is interested.

Payments under contracts may not exceed \$25,000 including GST in any financial year. A breach of this requirement results in automatic loss of office and a Councillor who continues to act as a member while disqualified can be liable on conviction to a fine not exceeding \$200 (ss.4 & 5).

A Councillor taking part in discussion or decision-making on a matter in respect of which the Councillor has a direct or indirect pecuniary interest commits an offence and is liable on conviction to a fine not exceeding \$100 and is automatically disqualified from office on the entry of that conviction (s.7).

The rules relating to pecuniary interests are complex and difficult to apply in practice. Councillors have been provided with a copy of the booklet "Conflicts of Interest" published by the Controller & Auditor-General dated August 2004 which is excellent reference material for Councillors to fully inform themselves as to the issues which arise in relation not only to pecuniary interests but also conflicts of interest generally. The booklet explains the exemption powers of the Auditor-General, the process for seeking an exemption, and also sets out some frequently asked questions and relevant case law.

When a pecuniary interest arises it is not sufficient for a Councillor to merely declare his or her interest. The Councillor must not participate in the discussion. If the Councillor is present when the matter arises, the interest must be disclosed and the minutes must record the member's abstention from discussion and voting, for the protection of both the Councillor's and the Council's position.

Having declared an interest the Councillor should leave the Council table. The Councillor may leave the Chamber (if this occurs that action should be recorded in the minutes) during discussion and voting. If the matter under discussion occurs at the meeting from which the public has been excluded, the Councillor must leave the Chamber. If the meeting is one in respect of which the public had not been excluded, it is acceptable for the Councillor to withdraw and take a seat in the public gallery. Once the member has withdrawn, his or her speaking rights are the same as a member of the public but in any case where speaking rights are granted care must be taken not to exercise influence on decision-making because of the Councillor's position as an Elected Member.

THE CRIMES ACT 1961

Sections 105 and 105A of the Crimes Act 1961 are concerned with corruption and bribery. Section 105 provides for imprisonment for up to seven years for any official accepting, receiving, agreeing or attempting to obtain any bribe even for the official or any other person for any act done or permitted in his or her official capacity. Section 105A provides a similar term of imprisonment for any official who "corruptly uses or discloses any information acquired by him in his official capacity to obtain directly or indirectly any advantage or pecuniary gain for himself or any other person". In Section 99 of the Crimes Act "official" includes any member or employee of a local authority and "bribe" means money, valuable consideration, office or employment or any benefit whether direct or indirect.

THE SECRET COMMISSIONS ACT 1910

This Act applies where a member uses his or her position in return for some gift or other consideration to influence the Council's actions or decisions so as to benefit any person. The Act applies to any Elected Member or officer of any local authority and deems that person to be the agent of the local authority.

Section 3 of the Act makes it an offence to corruptly give or offer anything to the agent as an inducement to reward for acting in a particular way. It is also an offence for the agent to receive a gift or other consideration (s.4).

Section 5 requires an agent making a contract on behalf of a principal to disclose to the principal any pecuniary interest which the agent has and which is not already known to the principal. Section 8 makes an offence to obtain a secret commission for procuring a contract.

The penalties for breach of the provisions of the Secret Commissions Act can be fine up to \$1,000 and imprisonment for up to 2 years.

SECURITIES ACT 1978

Clause 21 of Schedule 7 of the Local Government Act 2002 refers to this Act but the circumstances where the provisions of the Act may be relevant to Elected Members of Waitakere City Council are not common. The Act deals with issues surrounding the accuracy of statements made in formal documentation accompanying an issue of share securities or debt securities to the public. The circumstances where a local authority is involved in a share issue is rare. The circumstances where a local authority issues debt securities is more common but still not very frequent. It is sufficient for the purposes of this briefing to say that in circumstances where there are public issues of share or debt securities care must be taken to ensure the accuracy of the information contained in the statutory documentation. In circumstances where the information published is wrong or misleading a civil claim may lie and an offence can be committed in respect of which the penalties are severe (up to five years imprisonment and a fine up to \$300,000 and if the offence is a continuing offence, a fine not exceeding \$10,000 for every day).

LIABILITY OF COUNCILLORS

Section 43 of the Local Government Act 2002 provides that Councillors are not personally liable for the debts or liabilities incurred by the Council except as set out in ss.46 and 47. However any Councillor (or officer) who incorrectly represents that he or she has Council authority to enter into a commitment on Council's behalf may face a claim for breach of warranty of authority if the Council does not subsequently ratify the unauthorised Act. The claim for breach of warranty of authority will be for the losses suffered by the other party as a consequence of that party's inability to enforce its contractual obligations against the Council.

Sections 46 and 47 of the Local Government 2002 are commonly referred to as the "surcharge" provisions. In the circumstances set out in those sections, Members will individually be liable for losses incurred where money is unlawfully expended, an asset is unlawfully sold, a liability unlawfully incurred or there is a failure to enforce the collection of money lawfully owing to the Council. Defences are available where the actions occur without the Councillor's knowledge, or with the Councillor's knowledge but against the Councillor's protests, or contrary to the manner in which the Councillor voted when the matter came before the local authority or where the Councillor relied upon professional expert advice or a senior employee of the local authority. The liability of Members who are the subject of a surcharge is joint and several. A Member who is required to make payment of the surcharge in full is entitled to contribution from the other liable Councillors, to the extent (if any) of the financial ability of the others to make that contribution.

A Councillor who is concerned that a decision of the Council may give rise to the potential for a surcharge and who has voted against the matter should ensure that his or her vote be recorded in the minutes of the meeting.

GENERAL DUTIES

The Council's powers and obligations are contained in a large number of statutes, but principally the Local Government Act 2002 and the remnants of the Local Government Act 1974. These Acts set out the purposes and structure of local government and the range of activities which local authorities are authorised to undertake.

A decision of a local authority may be struck down if it is outside the powers of a local authority (*ultra vires*), if relevant considerations were ignored or irrelevant considerations were taken into account or the decision reached was "irrational" (in the public law sense i.e. that no other public body properly informed and acting properly could have reached this decision).

A Council delegates most of its decision-making to Committees, Community Boards, the Chief Executive and through the Chief Executive to other employees. Individual Councillors or Community Board Members have no power to make decisions or otherwise bind the Council other than where specifically authorised by Council. Your oath of office requires that you place the interests of the Community ahead of your personal interests, beliefs or opinions in any party politics. You may not blindly follow one point of view and disregard other factors.

Elected Members are expected to hold views on issues and may express those views in appropriate circumstances. However the oath of office may mean on occasion that your obligation to the community will require you to exercise circumspection, or at times to keep your views to yourself. In particular, you should be careful always to ensure that you do not take a position on a matter which may later be used to show bias or predetermination. You must always be open to consider other points of view.

RECOMMENDATION

That the Statutory Briefing report be received.

Report prepared by: Denis Sheard, Legal Services Manager.



8 LOCAL GOVERNANCE STATEMENT

Section 40 of the Local Government Act 2002 provides as follows:

- “(1) A local authority must prepare and make publicly available following the triennial general election of members, a local governance statement.*
- “(2) A local Authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.*
- “(3) A local authority must update its governance statement as it considers appropriate.”*

At its meeting held on 24 September 2003, Council adopted the First Local Governance Statement, requiring the Chief Executive to update the information contained in the Local Governance Statement on an ongoing basis. The updated version is circulated to Members under separate cover with this Agenda. This document also meets the requirements on Council under Section 19 of the Local Government Official Information and Meetings Act 1987.

RECOMMENDATION

That the Council note the current Local Governance Statement in place and that this document will be updated as information comes to hand.



9 CODE OF CONDUCT

Clause 15 of Schedule 7 of the Local Government Act 2002 states:

- “(1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of the Act.*
- “(2) The code of conduct must set out –*
 - “(a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including –*
 - “(i) behaviour toward one another, staff, and the public; and*

- (ii) *disclosure of information, including (but not limited to) the provision of any documents, to elected members that –*
 - (A) *is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and*
 - (B) *relates to the ability of the local authority to give effect to any provision of this Act; and*
- (b) *a general explanation of –*
 - (i) *the Local Government Official Information and Meetings Act 1987; and*
 - (ii) *any other enactment or rule of law applicable to members.*
- (3) *A local authority may amend or replace its code of conduct, but may not revoke it without replacement.*
- (4) *A member of a local authority must comply with the code of conduct of that local authority.*
- (5) *A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.*
- (6) *After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.*
- (7) *To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.”*

The Council adopted the Code of Conduct for Members on 14 July 2003 and on 26 May 2004, the amended version, which incorporates suggestions from the Auditor General's "Suggested Guidelines for Public Communications by Local Authorities". The document has been circulated to Members.

NOTE: The Code of Conduct remains in existence until it is reviewed. Should Council wish to undertake a review, it is suggested that this be signalled to the Chief Executive.

RECOMMENDATION

That the Council note the current Code of Conduct in place as circulated to Members.



10 ADOPTION OF STANDING ORDERS

Clause 27 of Schedule 7 of the Local Government Act 2002 requires that the Council adopts a set of Standing Orders for the conduct of its meetings and those of its committees. 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 25 August 2004 and is circulated to Members separately with this Agenda. Clause 16 of Schedule 7 requires that Members abide by the Standing Orders.

The Standing Orders which have been circulated to Members have been further revised to accommodate changes to the Local Government Official Information and Meetings Amendment Act 2004.

RECOMMENDATION

That the Standing Orders for the conduct of the Council Meetings and those of its Committees, as circulated to Members, be adopted.



11 ADOPTION OF THE MEETING SCHEDULE

Clause 21(5)(d) of Schedule 7 of the Local Government Act 2002 provides that the Council at this meeting adopt a schedule of meetings.

A2-A17

A schedule of meetings for the balance of 2004 and for the year 2005 is attached at pages A2 to A17 for the Council's approval.

RECOMMENDATION

1. That the schedule of meetings of the Waitakere City Council for the remainder of 2004 and for the year 2005 as attached at pages A2 to A17 be adopted.
2. That the Chairpersons of the Community Boards and Te Taumata Runanga or their designated alternatives be required to attend all meetings of the Long Term Council Community Plan and Annual Plan Special Committee held to consider, progress and approve the 2004/2005 Annual Plan and further that they be accorded speaking rights at those meetings.



PART B - APPOINTMENTS, DELEGATIONS AND ESTABLISHMENT

12 ADOPTION OF ORDER OF BUSINESS

Standing Orders require that the Council determines an order of business for its meetings (Standing Order 25.1). The Mayor has requested that provision be made for a public forum to be held before the full council meeting.

A suggested order of business is as follows:

5.00 pm - 5.30 pm Informal Public Forum

5.30 pm Formal meeting commences:

ORDER OF BUSINESS

Opening Prayer
Apologies
Confirmation of Minutes
Urgent Business
Deputations/Petitions
Report of the Mayor
Reports from the Te Taumata Runanga and the Community Boards
Report of the Chief Executive
Reports from the Standing Committees
Presentations
Questions
Notices of Motion
Closing Prayer

RECOMMENDATION

That the Council confirm the Order of Business for its full Council meetings as follows:

5.00 pm - 5.30 pm Informal Public Forum

5.30 pm Formal meeting commences:

ORDER OF BUSINESS

Opening Prayer
Apologies
Confirmation of Minutes
Urgent Business
Deputations/Petitions
Report of the Mayor
Reports from the Te Taumata Runanga and the Community Boards
Report of the Chief Executive
Reports from the Standing Committees
Presentations
Questions
Notices of Motion
Closing Prayer



13 **ESTABLISHMENT OF COMMITTEES, THEIR FIELDS OF ACTIVITIES AND DELEGATIONS THERETO**

Pursuant to Section Clause 30 of Schedule 7 of the Local Government Act 2002, the Council may appoint such committees, as it considers appropriate for the efficient conduct of its business.

The Council has also in the past delegated matters of a local nature to Community Boards for determination.

A document "Delegation to Committees and Community Boards Register" incorporating suggested committees and draft Fields of Activity and delegations for each has been developed in consultation with the Mayor and a copy of this document is circulated to Councillors under separate cover with this Agenda.

RECOMMENDATION

That the Committees be established and the Delegations to Committees and Community Boards be adopted as specified in the document "Delegations to Committees and Community Boards Register".



14 **APPOINTMENTS TO COMMITTEES AND APPOINTMENTS OF CHAIRPERSONS AND DEPUTY CHAIRPERSONS THEREOF**

Provision is made here for the Council to appoint the Members of the Committees which the Council has established in Item 13, and Chairpersons and Deputy Chairpersons thereof.

The Council may by resolution appoint the Mayor and the Deputy Mayor as ex officio Members of all Committees of Council.

RECOMMENDATIONS

1. That the Council determine the Membership of the Committees as established.
2. That the Council appoint the Chairpersons and Deputy Chairpersons of the Committees.
3. That the Mayor and the Deputy Mayor be appointed ex officio members of all Committees except the Hearings Special Committee, Community Sport Fund Allocation Subcommittee, Creative Communities Scheme Allocation Subcommittee and Regional Arts and Culture Funding Allocation Subcommittee.



15 APPOINTMENT OF WARD COUNCILLORS TO COMMUNITY BOARDS

Pursuant to Section 50 of the Local Government Act 2002, every Community Board is to consist of not fewer than four Members nor more than 12 members, and is to include at least 4 elected members. The Council may appoint members provided that the number of appointed members does not exceed half the total number of members.

Henderson Community Board and New Lynn Community Board consist of 5 elected members. Therefore, the Council may appoint up to 2 members to each of the Boards. Massey Community Board and Waitakere Community Board consist of 6 elected members. The Council may, therefore, appoint up to 3 members to each of the boards. The appointed member must be an elected member representing the ward of the Board to which she/he would be appointed.

The matter of appointments is presented for the Council's consideration.

RECOMMENDATION

That Council determine appointments to the Henderson, Massey, New Lynn and Waitakere Community Boards as follows:

<u>COMMUNITY BOARDS</u>	<u>MEMBERS TO BE APPOINTED</u>
Massey Community Board	3
Henderson Community Board	2
Waitakere Community Board	3
New Lynn Community Board	2



16 APPOINTMENT OF COUNCILLORS TO EXTERNAL AND OTHER ORGANISATIONS

PURPOSE

The purpose of this report is to enable Council to consider a number of appointments to external organisations where there is a requirement for representatives to be in place as quickly as possible after the election.

BACKGROUND

The appointments made by the previous Council to other organisations were generally categorised into the following groups:

- Appointments that Council has a statutory obligation to make;
- Appointments made pursuant to a deed establishing the organisation, or some other management or shareholders agreement entered into with the Council;
- Appointments that Council has made out of tradition, desire, or request.

The Council has a number of appointments to consider for the current term.

Appointments to be made to External Organisations:

Appointments are required to be made to the following organisations:

(A) COUNCILLOR STATUTORY APPOINTMENTS

Organisation	Aim/Purpose/Role	Meetings	Number to be appointed	Appointed by 2001-2004 Council
Aotea Centre	The Aotea Centre is a statutory body operating under the Auckland Aotea Centre Empowering Act. Its Board of Management is to control, manage and maintain the Centre, and to promote its use for any permitted purpose. The appointment is usually the Mayor.	Monthly	1	Mayor Bob Harvey
Auckland Civil Defence Emergency Management Group	The Joint Regional Committee is responsible for approval of local civil defence plans, and recommending approval of regional civil defence plans; Oversees development of the proposed Emergency Management Strategy and supporting plans, for the Auckland region; and Puts in place the structures necessary to implement new emergency management arrangements in the region.	Quarterly (approximately)	1 (plus 1 Alternate)	Cr Battersby Cr Dallow (alternate)
Auckland War Memorial Museum and Museum of Transport and Technology (M.O.T.A.T) - Territorial Local Authority Electoral College	To make appointments to the Auckland Museum Trust Board and the Museum of Transport and Technology Trust Board and comment on Annual Plans and Funding.	6-8 meetings a year	2	Cr Neeson Cr Russell (Cr Yates - alternative)
Hauraki Gulf Forum	To integrate the management and, where appropriate, to promote the conservation and management in a sustainable manner, of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand: To facilitate communication, co-operation, and co-ordination on matters relating to the statutory	Quarterly	1 (and 1 alternate)	Cr Yates (Cr Russell - alternate)

Organisation	Aim/Purpose/Role	Meetings	Number to be appointed	Appointed by 2001-2004 Council
	functions of the constituent parties in relation to the Hauraki Gulf, its islands, and catchments and the Forum.			

(B) COUNCIL APPOINTMENTS PURSUANT TO DEED OF TRUST, OR MANAGEMENT OR SHAREHOLDERS AGREEMENT, OR EQUIVALENT DOCUMENT OR AGREEMENT

Organisation	Aim/Purpose/Role	Meetings	Number to be appointed	Appointed by 2001-2004 Council
Auckland Regional Council Passenger Transport Subcommittee	To share information and coordinate passenger transport implementation of the region, providing regional direction in public transport including ferry, bus, and rail (other forums are rail focused).	Monthly	1 (and one alternate)	Cr Presland (Cr Stone - alternate)
Auckland Regional Council Land Transport Committee	Prepare and prioritise Regional Land Transport Strategy.	Bi-monthly	1 (and one alternate)	Cr Stone (Cr Presland - alternate)
Auckland Regional Growth Forum	Council is a signatory to the Memorandum of Understanding which sets out the work associated with the implementation of the Regional Growth Strategy.	Once every 2-3 months	1 (and one alternate)	Cr Stone (Mayor Bob Harvey - alternate)

Organisation	Aim/Purpose/Role	Meetings	Number to be appointed	Appointed by 2001-2004 Council
<p>Auckland Regional Transport Network Limited Shareholders' Representative Group</p> <p><u>Note:</u> Negotiations are underway for a proposed transfer of</p> <p>Auckland Regional Transport Network Limited's functions to the Auckland Regional Council. Auckland Regional Transport Network Limited will continue with business as usual until the transfer, at which point is anticipated that Auckland Regional Transport Network Limited will be liquidated. At this stage the Shareholders Representatives Group will likely no longer be required.</p>	<p>To carry out shareholder obligations, including:</p> <p>Setting and monitoring Statement of Intent</p> <p>Appointment and removal of directors</p> <p>Approving major transactions (including transfer and/or liquidation)</p>	<p>Monthly</p>	<p>2</p>	<p>Cr Stone Cr Presland (Cr Russell - alternate)</p>
<p>New Zealand Historic Places Trust (Auckland Branch) Committee</p>	<p>The NZHPT promotes the identification and protection of historical and cultural heritage in NZ. The Auckland Branch represents the members of the Trust in the Auckland region.</p>	<p>Bi-monthly</p>	<p>1</p>	<p>Cr Russell</p>
<p>Pacific Islands Advisory Board (PIAB)</p>	<p>To represent interests and advance development needs of Pacific peoples in Waitakere, Auckland, Aotearoa, and international.</p>	<p>Monthly</p>	<p>1</p>	<p>Cr Presland</p>

Organisation	Aim/Purpose/Role	Meetings	Number to be appointed	Appointed by 2001-2004 Council
WADCOSS (West Auckland District Council of Social Services)	WADCOSS is one of 26 Councils of Social Service in New Zealand. Its primary role is to co-ordinate and support the activities of the social/community services sector in Waitakere. It also acts as an advocate for the sector. WADCOSS also administers the Waitakere Community Resource Centre.	Monthly	1	Cr Nash
Watercare Services Limited Shareholders' Representative Group	Liaise and consult with shareholding councils and with the Company in relation to any matters arising in respect of the business and affairs of the Company or arising under the Constitution.	Quarterly plus two special meetings per year. Other meetings may be called if required.	2 Councillors (and 1 Support Officer to be appointed by the Chief Executive)	Cr Clews Cr Lawley (Cr Hulse - alternate)
Waitakere Ethnic Board	To provide a forum for ethnic communities to get together and advise/liaise with local and central government re: policies/services that affect their communities.	Monthly	1	Cr Fenton
Waitakere Playhouse Theatre Board of Trustees	To manage the Playhouse Theatre situated at 15 Glendale Road, Glen Eden and encourage the promotion of theatrical events, including production of opera and musical stage show, children and young adults theatre, drama and other performing arts.	Monthly	1	Cr Battersby

CONCLUSION

Council is requested to make the above appointments at this meeting, which need to be made with some urgency.

A list of a wide range of other external or ad hoc organisations/bodies has been distributed to Councillors earlier. It is proposed that these other organisations will be referred to the appropriate Committees for consideration, or to Council for subsequent appointments as deemed necessary.

In addition, it is proposed that appointments to organisations of a local nature will be referred to Community Boards for appointment.

RECOMMENDATIONS

1. That the Appointment Of Councillors To External and Other Organisations report be received.
2. That Council determine appointments to the organisations set out above, with the tenure of office being effective within Council's current term.
3. That appointments to the other external organisation or ad hoc organisations/ad hoc bodies be referred to the appropriate Committees or to subsequent Council meetings for consideration.
4. That appointments to external organisations or ad hoc bodies of a local nature be referred to the appropriate Community Board for consideration.
5. That except where specifically provided in the terms of a Trust, Council appointees are not permitted to vote in a manner contrary to Council's policy or directive.

Report prepared by: Audrey Chan, Committee Secretary.



17 DELEGATIONS TO CHIEF EXECUTIVE AND STATUTORY APPOINTMENTS

Pursuant to Clause 32 of Schedule 7 of the Local Government Act 2002, the Council may make delegations to the Chief Executive of the Council in order to allow for the efficient conduct of Council business. Clause 32(3) of Schedule 7 of this Act allows the Chief Executive to delegate those powers to other officers.

A copy of the proposed document "Delegations to Chief Executive and Statutory Appointments Register" is circulated to members under separate cover with this Agenda. The document has been prepared in accordance with Clause 32 of Schedule 7 of the Act, and is in order for adoption. Under the Local Government Act 2004, the Chief Executive is able to subdelegate these delegations to other Officers.

RECOMMENDATION

That the "Delegations to Chief Executive and Statutory Appointments Register", as circulated, be adopted.



18 ELECTED MEMBERS REMUNERATION AND TRAVEL ALLOWANCES

Remuneration and travel allowances are recommended by the Council to the Remuneration Authority after that body has determined the size of the pool (the total sum determined by the Remuneration Authority for Waitakere City Council). Information from the Council's Annual Report for the year ended 30 June 2004 has been sent to the Authority and it is expected that their revision of the pool will be concluded and the result available during November 2004. A schedule of salaries has been suggested by the Council and will be considered following final approval by the Remuneration Authority. In the interim the current schedule will be paid pending approval of any changes by the Remuneration Authority.

RECOMMENDATION

That the Elected Members Remuneration and Travel Allowances report be received.

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



PART C - OTHER BUSINESS

19 LOCAL GOVERNMENT NEW ZEALAND NOMINATIONS

PURPOSE OF THE REPORT

Council has received a call for nominations for representation from Zone One and the Metropolitan Sector on the Local Government New Zealand (LGNZ) National Council. This report is to provide Council with an opportunity to consider whether to make any nominations.

Nominations close at 5.00 pm on 29 October 2004.

BACKGROUND

Council is a member of Local Government New Zealand, the national group that exists to promote the interests of local government. Under the constitution of Local Government New Zealand a range of appointments need to be made within eight weeks of the triennial local government elections. The details of the appointments to be made are set out below.

Zone One

By virtue of its geographical location Waitakere City Council is a member of Zone One (this encompasses all the councils within the geographic area of the Northland and Auckland Regional Councils).

Zone One Council's representatives meet together on a regular basis to bring issues to the attention of Local Government New Zealand and to share information. A Chairperson on Zone One is elected to Chair these meetings.

Zone One appoints two members to the Local Government New Zealand National Council.

Every person who holds office as an elected member of a council within Zone One is qualified to be appointed to these positions.

Should an election be necessary for any of the Zone positions, Council is entitled to five votes under the constitution of Local Government New Zealand.

The 2001-2004 Chairperson of Zone One was Councillor Robert Northey of Auckland City Council. The Zone One representatives on National Council for 2001-2004 were Councillor Dianne Hale (previous Deputy Mayor) of North Shore City Council and Mayor Yvonne Sharp of the Far North District Council.

The first meeting of Zone One after the election is scheduled for Friday, 12 November 2004 and is to be hosted by the Far North District Council. The primary business of that meeting is to elect a:

- Zone Chairperson;
- Zone Committee (Zone One has a four-person committee);
- Zone Representatives on National Council.

If an election is necessary for any of these positions it will take place at the meeting on 12 November 2004.

Metropolitan Sector

By virtue of its size Council is also a member of the Metropolitan Sector. This sector consists of the Auckland, Christchurch, Dunedin, Hamilton, Hutt, Manukau, North Shore, Porirua, Tauranga, Waitakere, Wellington City Councils and Rodney District Council.

The metropolitan sector appoints three members to the Local Government New Zealand National Council.

Every person who holds office as an Elected Member of a Council within the Metropolitan Sector is qualified to be appointed to these positions.

The 2001-2004 National Council included Mayor Sukhi Turner of Dunedin City, Mayor Gary Moore of Christchurch City Council, who is Chair of the Metro Sector, and Mayor Kerry Prendergast of Wellington City Council as the Metro Sector representatives.

Should an election be necessary for any of the Sector positions, Council is entitled to one vote under the constitution of Local Government New Zealand. Any such election will be held by postal vote.

National Council

National Council is the entity through which the majority of decisions relating to Local Government New Zealand are made. It is only subject to limitations contained in the constitution and by directions given by the Annual General Meeting or any Special General Meeting of Local Government New Zealand. As such the President of Local Government New Zealand and the 14 National Council members have considerable influence and discretion as to the position that Local Government New Zealand adopts with respect to a range of issues that may affect Waitakere City.

There are a wide range of issues where the views of a large Auckland metropolitan authority may be at considerable variance from those of a small rural authority and it is accordingly considered important that Council takes steps to ensure that its interests are given due weight in the position adopted by Local Government New Zealand on any issue.

STRATEGIC CONTEXT

Membership of Local Government New Zealand has the potential to be of assistance to Council as it pursues a wide range of strategic and advocacy aims. Local Government New Zealand provides a vehicle through which Council's voice can be heard on the national stage as Local Government New Zealand undertakes its activities on behalf of its members.

Conversely concern has been expressed in the past that Local Government New Zealand is less than effective on behalf of Council as earlier constitutions and the interests of many members throughout New Zealand meant that policy positions were adopted by Local Government New Zealand that represented the interests of the majority of Local Government New Zealand members, but which did not adequately present the views of the Auckland area or metropolitan authorities such as Waitakere.

ISSUES

The forthcoming elections for Zone One and the Metropolitan Sector provide an opportunity for Council to take an active part in LGNZ and help ensure that the organisation gives adequate weight to the interests of Waitakere City as both part of Zone One and the Metropolitan Sector.

The Mayor has indicated that he is prepared to accept a nomination as one of the Metropolitan Sector representatives on the National Council. Under the Local Government New Zealand constitution it will be necessary for any nominations by Council to be seconded by another Council. Council may also wish to consider putting forward a candidate as a Zone One representative or for any of the other Zone One positions that nominations have been called for.

In the event that an election is required for any of the positions for which nominations have been sought it would also be prudent for Council to ensure that it has authorised one elected member to cast Council's vote(s) for both the Metropolitan Sector and the Zone One positions.

While National Council takes the majority of decisions relating to Local Government New Zealand there are issues that are reviewed and discussed at Zone One and the Metropolitan Sector meetings. On occasions such meetings may vote on particular issues, e.g. remits to the Annual General Meeting. It may be prudent to continue with the set up of a mechanism whereby one Elected Member has the delegated authority to cast Council's vote(s) in accordance with pre-existing Council policy, or where no policy exists in accordance with the member's judgement of where Council's interests lie. This elected member should also have the ability to delegate the responsibility to another elected member, or if no elected member is available to represent Council, to an appropriate officer.

CONCLUSION

The requirement to consider both Zone One and Metropolitan Sector representation within eight weeks of the triennial local government election provided under Local Government New Zealand's constitution provides an early opportunity for the new Council to consider its role in the national local government organisation. Active support of Local Government New Zealand will provide the greatest likelihood that Local Government New Zealand's interactions with Government will complement this Council's aims and objectives.

RECOMMENDATIONS

1. That the information be received.
2. That Mayor Bob Harvey be nominated for the position of metropolitan sector representative on National Council of Local Government New Zealand.
3. That Council consider whether to make any nominations for the Zone One four-person committee and Zone One Chair.
4. That Council consider whether to make any nominations for the Zone One representatives on the National Council of Local Government New Zealand.
5. That Council authorise the Mayor to exercise the votes of Waitakere City Council in respect of the Metropolitan Sector representatives on the National Council of Local Government New Zealand, and to second any nominations for these positions.
6. That Council authorise an Elected Member to attend the Zone One meeting and to exercise the Council's votes in respect of Zone One Chairperson, Zone One Committee membership and Zone One representatives on the National Council of Local Government New Zealand, and to second any nominations to those positions.

7. That Council authorise an elected member to cast Council's vote(s) at any future Zone One meeting in accordance with the Council's policy direction, and that this Elected Member be able to delegate this authority to an alternative representative (including an officer) if necessary.
8. That Council authorise the Mayor, or his nominee, or in their absence the Chief Executive or his nominee to exercise Council's vote at any future Metropolitan Sector meeting in accordance with Council's policy direction.

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



