



466TH MEETING

Notice is given of the Inaugural Meeting of Council to be held on:

Date: Tuesday, 25 October 2016

Time: 5.30pm

Location: Council Chambers

Fairlie

AGENDA

Inaugural Council Meeting

25 October 2016

Wayne Barnett
Chief Executive Officer

Council Membership:

Mayor Graham Smith
James Leslie
Russell Armstrong
Anne Munro
Stuart Barwood
Chris Clarke
Paul Hannagan

The purpose of local government:

(1) The purpose of local government is—

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) 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.

(2) In this Act, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

- (a) efficient; and
- (b) effective; and
- (c) appropriate to present and anticipated future circumstances.

(Local Government Act 2002)

Order Of Business

1 Opening by Chief Executive Officer

2 Apologies by Chief Executive Officer

8 Reports4

8.1 Declaration by Mayor 4

8.2 Declaration by Councillors..... 5

8.3 Declaration by Community Board Members 6

8.4 General Explanation by the Chief Executive Officer 7

8.5 Community Board Appointments 11

8.6 Adopt Schedule Of Meetings 2016 12

1 REPORTS**8.1 DECLARATION BY MAYOR****File Reference:** N/A**Authoriser:** Wayne Barnett, Chief Executive Officer**Attachments:** Nil**PURPOSE OF REPORT**

Declaration of the Mackenzie District Mayor.

That Graham Smith who as a result of the elections held during the period commencing on Friday 16 September 2016 and ending on Saturday 8 October 2016, was duly elected to be MAYOR of the Mackenzie District, will be requested to make and sign a declaration as required by the provisions of Clause 14, Schedule 7 of the Local Government Act 2002.

WAYNE BARNETT

CHIEF EXECUTIVE OFFICER

8.2 DECLARATION BY COUNCILLORS

File Reference: N/A
Authoriser: Wayne Barnett, Chief Executive Officer
Attachments: Nil

PURPOSE OF REPORT

Declaration by Mackenzie District Councillors.

Those persons who as a result of the elections held during the period commencing on Friday 16 September 2016 and ending on Saturday 8 October 2016, were duly elected as Councillors of the Mackenzie District, will be requested to make and sign declarations as required by the provisions of Clause 14, Schedule 7 of the Local Government Act 2002.

Anne MUNRO
Stuart BARWOOD
Chris CLARKE
James LESLIE
Russell ARMSTRONG
Paul HANNAGAN

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

8.3 DECLARATION BY COMMUNITY BOARD MEMBERS**File Reference:** N/A**Authoriser:** Wayne Barnett, Chief Executive Officer**Attachments:** Nil**PURPOSE OF REPORT**

Declaration by Tekapo Community Board members, Fairlie Community Board members and Twizel Community Board members.

Those persons who as a result of the elections held during the period commencing on Friday 16 September 2016 and ending on Saturday 8 October 2016, were duly elected as Community Board members of the Mackenzie District, will be requested to make and sign declarations as required by the provisions of Clause 14, Schedule 7 of the Local Government Act 2002.

Tekapo Community Board:

Steve HOWES

Lyn MARTIN

Caroll SIMCOX

Stella SWENEY

Fairlie Community Board:

Les BLACKLOCK

Carolyn COAKLEY

Pauline JACKSON

Damon SMITH

Twizel Community Board:

Jacqui DE BUYZER

Norman GEARY

Luke PAARDEKOOOPER

Pat SHUKER

WAYNE BARNETT

CHIEF EXECUTIVE OFFICER

8.4 GENERAL EXPLANATION BY THE CHIEF EXECUTIVE OFFICER**File Reference:** PAD 2/3**Authoriser:** Wayne Barnett, Chief Executive Officer**Attachments:** Nil**PURPOSE OF REPORT**

To provide a general explanation of some of the laws that regulate the conduct of elected members.

STAFF RECOMMENDATIONS

1. That the report be received and noted.

BACKGROUND

Clause 21(5) of Schedule 7 of the Local Government Act 2002 requires the Chief Executive to give a general explanation of the following Acts at the first meeting:-

- The Local Government Official Information and Meetings Act 1987 (LGOIMA); and
- Other laws affecting members, including:
 - [1] The appropriate provisions of the Local Authorities (Members Interests) Act 1968; and
 - [2] Sections 99, 105 and 105A of the Crimes Act 1961; and
 - [3] The Secret Commissions Act 1910; and
 - [4] The Financial Markets Conduct Act 2013.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 has the following purposes:

- To increase the availability of official information held by local authorities, and to promote the open and public transaction of business at meetings of the local authority.
- To provide for proper access by each person to official information relating to that person which is held by local authorities.
- 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 preservation of personal privacy.

Most requests for information made to the Council come within the ambit of this Act. The Act stipulates that the principle to be applied when dealing with requests for information is that the information will be provided unless good reason exists for withholding it.

There are limited circumstances within which the Council is able to withhold information. The reasons for not releasing information are specified in Sections 6 and 7 of the Act. They include the following:

- That disclosure would prejudice the maintenance of the law including the prevention, investigation and detection of offences.
- Protection of the privacy of persons.
- To maintain legal professional privilege.
- To enable the Council to carry on negotiations (including commercial or industrial negotiations).

Official information is widely defined as meaning any information held by a local authority, subject to certain exclusions.

The Act also contains 'rules' for the conduct of meetings of Council. These requirements that must be observed are additional to those contained in Schedule 7 of the Local Government Act 2002 or in the Council's Standing Orders. They are intended to ensure that:

- Meetings of Council and its Committees are publicly notified.
- Members of the public can obtain copies of agendas of all meetings, including the reports and other information to be provided to members for consideration and discussion at the meetings.
- All the business dealt with at the meeting will be listed in the agenda for the meeting. However, an item that is not on the agenda can be considered at a meeting if special circumstances exist and procedures and restrictions imposed by the Act are observed.
- The public may only be excluded from a meeting or part of a meeting on one of the grounds specified in the Act. In general items, the Act permits an item to be discussed in private if to do so in public would be likely to result in the disclosure of information which the Council has good reason to withhold for one of the reasons set out in Sections 6 or 7. The Act also stipulates the procedure to be followed at a meeting where it is intended to conduct some business in the absence of the public.

Local Authorities (Members Interest) Act 1968

The Act has two principal purposes, being:

- Ensuring that members are not affected by personal motives when participating in decisions of the local authority.
- Preventing members, in contracting situations, from using their position to obtain preferential treatment.

This Act stipulates that any member who has "*...directly or indirectly any pecuniary interest other than an interest in common with the public*" in any matter being dealt with by the Council shall not vote on the matter or take part in its discussion.

Instances where a member is deemed to have a pecuniary interest are set out in Section 6. In particular, the interest of a spouse is deemed to be the interest of the member for the purposes of the Act. "Pecuniary interest" is one that involves money / financial benefit.

Section 6 also identifies situations that are deemed not to create a pecuniary interest.

Section 3 of the Act limits the extent to which a member may act as a contractor [or subcontractor] to the Council. Any member who is concerned or interested in contracts with the Council and the total payments made, or to be made, exceed \$25,000 in a year is automatically disqualified from office unless Audit Office approval to the excess is obtained.

Audit approval requires a “special case” to be established. Audit approval may be obtained for specific contracts if:

- The contract was put out to public tender and the member submitted the best price; and
- Approval is sought (and obtained) before the contract is entered into.

Audit approval may be less likely if not sought until after the disqualifying contract has been entered into.

Crimes Act 1961

Under Section 105 of the Crimes Act 1961, every “official” who accepts a bribe is liable to imprisonment for a term of up to seven years.

Under Section 105A, an “official” who “...corruptly uses or discloses any information acquired by him in his official capacity to obtain directly or indirectly an advantage or a pecuniary gain for himself or any other person” is liable to imprisonment for a term of up to seven years.

Section 99 is an interpretation clause and contains the definition of ‘official’. The term includes “Any member or employee of any local authority”.

Secret Commissions Act 1910

As its title suggests, this Act has the purpose of prohibiting secret commissions which term includes gifts and all other forms of valuable consideration.

Under this Act, a member of the Council could commit an offence by, for example:

- Corruptly accessing or soliciting gifts as an inducement or reward for carrying out, or forbearing to carry out some act in relation to the Council’s business; or
- Securing a Council contract for a third person in exchange for a reward; or
- By falsifying receipts.

Financial Markets Conduct Act 2013

The main purposes of the Act are to:

- Promote the confident and informed participation of businesses, investors and consumers in the financial markets.
- Promote and facilitate the development of fair, efficient and transparent financial markets.
- To provide for timely, accurate and understandable information to be provided to persons making decisions relating to financial products or the provision of financial services.

As a “government agency”, Council is a wholesale investor and, in summary, does not benefit from the disclosure requirements of the Act.

If the Council has retail bonds on issue, which is very unlikely as almost all retail bond issuances is done through the Local Government Funding Agency, there is a potential liability for councillors as “directors” of the issuer.

POLICY STATUS

N/a

SIGNIFICANCE OF DECISION

The decision to note the information is not considered significant.

OPTIONS

N/a

CONSIDERATIONS**Legal**

The Council is asked to note the brief explanation of the relevant laws affecting Council and Community Board members.

Financial

N/a

Other

N/a

CONCLUSION

This paper provides a general explanation of some of the relevant laws that regulate the conduct of elected members, including Council and Community Board members. The Local Government Act 2002 requires that the business to be conducted at the Inaugural Council Meeting include this general explanation.

WAYNE BARNETT

CHIEF EXECUTIVE OFFICER

8.5 COMMUNITY BOARD APPOINTMENTS**File Reference: PAD 5****Authoriser: Wayne Barnett, Chief Executive Officer****Attachments: Nil****PURPOSE OF REPORT**

To make Councillor Representative appointments to the Fairlie Community Board, Tekapo Community Board and Twizel Community Board.

STAFF RECOMMENDATIONS

1. That the report be received.
2. That pursuant to Section 19F of the Local Electoral Act 2001, the following appointments are made to the Community Boards:
 - (a) That.....be appointed as a member of the Fairlie Community Board.
 - (b) That.....be appointed as a member of the Tekapo Community Board.
 - (c) That.....be appointed as a member of the Twizel Community Board.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

8.6 ADOPT SCHEDULE OF MEETINGS 2016**File Reference:** NA**Authoriser:** Toni Morrison, Projects & Administration Manager**Attachments:** Nil**PURPOSE OF REPORT**

For the new Council to adopt a schedule of meetings for the remainder of 2016.

STAFF RECOMMENDATIONS

1. That the report be received.
2. That Council adopt the outlined schedule of meetings for the remainder of 2016.

Outlined below is a list of proposed meeting dates for the remainder of 2016. A meeting schedule for 2017 will be adopted at the next Council meeting on Monday 31 October 2016.

Council – Council Chambers, Fairlie

Monday 31 October 2016 at 9:30am – to adopt the annual report.

Tuesday 8 November 2016 at 9:30am – Ordinary Council meeting.

Council Committee – Council Chambers, Fairlie

Tuesday 22 November 2016 at 9:30am

Thursday 24 November 2016 at 9:30am– Reserve day only.

Twizel Community Board – Twizel (Twizel Events Centre Lounge)

Monday 14 November 2016 at 3pm.

Tekapo Community Board – Tekapo (Tekapo Community Hall Lounge)

Monday 14 November 2016 at 7pm.

Fairlie Community Board – Council Chambers, Fairlie

Monday 21 November 2016 at 5pm.

Tekapo Property Group – Tekapo (Tekapo Community Hall Lounge)

Tuesday 29 November 2016 at 1pm.

WAYNE BARNETT

CHIEF EXECUTIVE OFFICER