



467TH MEETING

Notice is given of an Ordinary Meeting of Council to be held on:

Date: Monday, 31 October 2016

Time: 9:30am

**Location: Council Chambers
Fairlie**

AGENDA

Ordinary Council Meeting

31 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	
2	Apologies	
3	Declarations of Interest	
4	Reports	4
4.1	Annual Report 30 June 2016	4
4.2	Standing Orders	21
4.3	Code of Conduct	101
4.4	Appointment of Council Committees and Chairs.....	111
4.5	Method of Voting for Certain Appointments.....	133
4.6	External Appointments to Joint Committees and Other Organisations	134
4.7	Roles and Delegations to Community Boards.....	136
4.8	Meeting Schedule 2017	145

4 REPORTS

4.1 ANNUAL REPORT 30 JUNE 2016

File Reference: Annual Report/2016

Authoriser: Paul Morris, Chief Financial Officer

Attachments: 1. Annual Report 2015-2016 (under separate cover)
2. Annual Report Summary 2015-2016

PURPOSE OF REPORT

For Council to approve and adopt the Annual Report 2016.

STAFF RECOMMENDATIONS

1. That the report be received.
2. That the Annual Report 30 June 2016 be approved.
3. That the Mayor and Chief Executive Officer be given approval to sign the Letter of Representation for the Annual Report for the year ended 30 June 2016.
4. That the Annual Report for 30 June 2016 be adopted.

BACKGROUND

Council is required to produce an Annual Report each year that complies with the International Accounting Standards and the Local Government Act 2002. These accounts are required to be audited. The audit process provides a level of comfort that the Council's assets both financial and non-financial are being prudently managed.

The accounts are required to be adopted by Council (including Audit Opinion) no later than 31 October 2016.

The previous Council's Finance Committee at its meeting of 4 October resolved:

"That the Draft Annual Report 30 June 2016 be recommended to Council for approval and adoption subject to final audit clearance.

Mayor/Cr Armstrong"

The changes that have arisen through the Audit process will be presented and discussed at the meeting.

As a part of the process Council is also required to produce a Summary of the Annual Report (the summary) and make that publicly available.

Attached is the draft Summary for Council's information and comment.

Council is not required to resolve to approve or adopt the summary.

POLICY STATUS

Not Applicable

SIGNIFICANCE OF DECISION

The decision is not considered to be significant.

OPTIONS

Not Applicable

CONSIDERATIONS

Legal

Not Applicable

Financial

Not Applicable

WAYNE BARNETT

CHIEF EXECUTIVE OFFICER



2015-2016 ANNUAL REPORT SUMMARY

INTRODUCTION BY THE MAYOR AND CEO

We are pleased to introduce the Annual Report of the Mackenzie District Council for 2015/16. It has been another very busy year. Development activity has been strong and tourist numbers have again risen dramatically.

Several unexpected factors have developed through the year that have combined to create a significant surplus in our financial statements. Key drivers have been the revaluation of forestry assets, amounting to \$2.092m, an increase in the value of forestry carbon credits of \$1.378m (affecting existing and new issue credits) and the favourable timing of settlement of real estate transactions at Twizel and Tekapo.

Council used the cash derived from the real estate sales in Tekapo to fund the development costs associated with that project which during the year totaled \$2.595m.

As the surplus is primarily derived from non-cash gains and timing factors, it does not significantly impact on Council's overall, long term financial position.

The success of our tourism sector has brought us a few headaches over summer with very high profile issues arising from the actions of a few visitors. Most of the media interest was focused on freedom camping and we have worked hard with the community and the tourist industry to address camping matters. Council has now adopted a new Responsible Camping Bylaw which was specifically written to address pressures experienced last year. Another significant milestone for the year was the completion of the tender process for renewal of our Road Maintenance Contract. The renewal process was undertaken in conjunction with three of our neighbouring Councils to ensure consistent best practice within our purchasing agreements and to leverage scale advantage from a combined work package of \$60 million over five years. The process strengthened the overall ready capability of all member Councils and confirmed the operational credentials of the incumbent Mackenzie contractor.

The Twizel Water Treatment Plant upgrade was operational in April 2016. The system includes filtration, ultra violet disinfection and chlorine protection to provide a secure safe and reliable supply to the Twizel township. The total cost of the upgrade was

\$2.5m including the relining of the reservoir. This is a significant asset for our community that will sustain the town for many years to come.

The 2014 Twizel fire highlighted water supply issues at the south west periphery of Twizel. This has now been addressed with the construction of a new booster pump. The station was officially opened by local residents Jim and Michelle O'Carroll, as well as the Chairman of the Twizel Community Board and a Pukaki Ward Councillor in November 2015.

One of the most important responsibilities of Council is to look after the infrastructure that, as citizens, we often take for granted. This year we completed the replacement of 3.3 km of supply water main at Fairlie, began a twenty year replacement programme for the Twizel water reticulation network and rebuilt three local bridges. The total cost of these works was \$1,028,000. Construction of the second stage of the Tekapo Lakefront Commercial Development was completed in May 2016. Three of these four prime commercial sites were pre-sold to underwrite the cost of the project.

On-site development of the lakefront sites is expected to begin in the 2016/17 season and ramp up further in 2017/18. The final development will create a significant increase in Tekapo's commercial capacity.

The Tekapo alternative start to the Alps 2 Ocean Cycleway was officially opened on 27 January 2016. This ride continues to build in profile and is fast becoming one of our key tourist attractions. One of the most satisfying aspects about being involved in Council activities is the diversity of our work. The examples noted above illustrate some of the year's highlight but there are many more areas where our staff and elected members have toiled hard to ensure that the critical day to day Council responsibilities are met. We would like to extend a very big thank you to staff and Councillors for their tireless efforts.



Graham Smith
Mayor



Wayne Barnett
Chief Executive

Mackenzie Photo Banner – photos supplied by local resident George Empson, Lake Tekapo.

SUMMARY STATEMENTS OF SERVICE PROVISION**Governance**

Levels of Service	Measure of Service	Target	Result for 2015-2016	Result for 2014-2015
Prepare key accountability documents in accordance with good practice.	The annual report is prepared within statutory timeframes and with an unmodified audit opinion.	The annual report is prepared within statutory timeframes and with an unmodified audit opinion.	Achieved The Annual Report for the 2015 financial year was adopted on 30 Oct 2015. The Audit Opinion was unmodified.	Achieved The Annual Report for the 2014 financial year was adopted on 31 Oct 2014. The Audit Opinion was unmodified.
	The annual plan is prepared within statutory timeframes and with an unmodified audit opinion.	The annual plan is prepared within statutory timeframes and with an unmodified audit opinion.	Achieved The Annual Plan for the 2016/17 year was adopted by Council on 10 May 2016. Annual plans are not required to be audited, therefore no Audit Opinion was issued.	Not achieved The Long Term Plan for 2015-25 was adopted on 4 Aug 2015. This was a breach in the statutory deadline. The plan received an unmodified Audit Opinion.
Represent and govern the district on behalf of the community	The percentage of residents across the district who say they are satisfied with the performance of the Councillors and Mayor in the annual ratepayer survey.	60% or above	Achieved 82% were satisfied or somewhat satisfied with the performance of Councillors and the Mayor. The result is showing an upward trend.	Achieved 80% of respondents were satisfied or somewhat satisfied with the Councillors and Mayoral performances.
Build strong iwi relationships and encourage Māori to contribute to the decision-making process	Number of face-to-face meetings held each year between Council representatives and Papatipu Rūnanga, or Te Rūnanga o Ngai Tahu.	2 or more	Achieved Council met 6 times with Papatipu Rūnanga, or Te Rūnanga o Ngai Tahu during the year.	Achieved Council met 6 times with Papatipu Rūnanga, or Te Rūnanga o Ngai Tahu during the year.
Provide opportunities for the community to engage with elected members	Number of public forums held each year with communities and groups	40 or more*	Achieved The community boards, committees and Council met 66 times during the year. The Council met 14 times with committees meeting 29 times and the community boards met 23 times.	Achieved The community boards, committees and Council met 60 times during the year. The Council met 15 times with committees meeting 24 times and the community boards met 21 times.

SUMMARY STATEMENTS OF SERVICE PROVISION**Water**

Levels of Service	Measure of Service	Target	Result for 2015-2016	Result for 2014-2015
Water supplies are available and reliable	The percentage of real water loss from the networked reticulation system.*	Estimated target: <25%	Achieved 12% approx. Bulk water meters were read at midnight and then at 6:00am. It is assumed that this flow recorded during this time is mostly leakage.	Not applicable (new measure)
	The median response times to attend a call-out in response to a fault or unplanned interruption to the network reticulation system: a) Attendance for urgent call-outs: from the time that the Council receives notification to the time that the service personnel reach the site.	2 hours	Not achieved The total call outs for the period was 41. Council collected data for 21. For those 21 the median response time from the time Council received the call to when personnel arrived on site was one hour.	Not applicable (new measure)
	b) Resolution of urgent call-outs: from the time that the Council receives notification to the time that service personnel confirm resolution of the fault or interruption,	12 hours	Not achieved The Council collected data for 21 of the 41 call outs. For the 21 collected the median response time from the time the call was received until the time the fault was resolved was 7 hours	Not applicable (new measure)
	c) Attendance for non-urgent call-outs: from the time that the Council receives notification to the time that the service personnel reach the site, and	72 hours	Not achieved The total call outs for the period was 228. Of those, Council collected data for 171. The median time for attendance of non-urgent call outs from the time the call was received to attendance on site was 116.11 hours.	Not applicable (new measure)
	d) Resolution of non-urgent call-outs: from the time that the Council receives notification to the time that service personnel confirm resolution of the fault or interruption.*	120 hours	Not achieved The total call out for the period totalled 228. Of those, Council collected data for 171. The median time for resolution of the fault from the time the call was received was 289.48 hours.	Not applicable (new measure)
	The average consumption of drinking water per day per resident within the District.*	<1.3m ³ per person per day within urban schemes.	Achieved 2.27m ³	Not applicable (new measure)

SUMMARY STATEMENTS OF SERVICE PROVISION

Levels of Service	Measure of Service	Target	Result for 2015-2016	Result for 2014-2015
Water is safe to drink	The extent to which the drinking water supplies comply with the drinking water standards for protozoal compliance. *	2 of 4 supplies comply: Twizel upgrade completed in 2015/16	Achieved 2 of 4 supplies comply	Not applicable (new measure) 1 of 4 urban drinking water supplies (Tekapo) complies with the DWS.
	The extent to which the drinking water supplies comply with the drinking water standards for bacteria compliance*	295% compliance for all 4 supplies	Achieved 98% – 6 transgressions from 312 samples.	Not applicable (new measure)
Residents are satisfied with the water supply provided	The total number of complaints received about any of the following: a) Drinking water clarity b) Drinking water taste c) Drinking water odour d) Drinking water pressure or flow e) Continuity of supply; and f) Council's response to any of the above, Expressed per 1000 connections to the networked reticulation system. *	Less than 5 complaints per 1000 connections within urban Schemes	Achieved 2.8 complaints received per 1,000 properties connected. This covers 4 water supplies with 2,814 properties connected and only 10 complaints were received.	Not applicable (new measure)
	% of ratepayers satisfied with the water supply service.	80%	Achieved 81%	Not achieved 70% were satisfied

SUMMARY STATEMENTS OF SERVICE PROVISION**Sewerage**

Levels of Service	Measure of Service	Target	Result for 2015-2016	Result for 2014-2015
Sewage is managed without risk to public health	The number of dry weather sewerage overflows from Council's sewerage system, expressed per 1000 sewerage connections to that sewerage system.*	≤5	Not Achieved 7.2 per 1,000 properties connected. This equates to 18 overflows from the 2,489 properties connected.	Not applicable (new measure 2015/16)
Safe discharge of wastewater	Compliance with the Council's resource consents for discharge from its sewerage system measured by the number of: a) abatement notices b) infringement notices c) enforcement orders, and d) convictions Received by the Council in relation those resource consents.*	Nil Nil Nil Nil	Achieved Nil Nil Nil Nil	Not applicable (new measure 2015/16)
Sewage is able to be disposed of without significant disruption	Where the Council attends to sewerage overflows resulting from a blockage or other fault in the Council's sewerage system, the following median response times measured: a) attendance time: from the time that the territorial authority receives notification to the time that service personnel reach the site, and b) resolution time: from the time that the territorial authority receives notification to the time that service personnel confirm resolution of the blockage or other fault.*	≤1 hour ≤4 hours	Not achieved The median attendance time from notification to arriving onsite was 4.5 hours. There were 18 call-outs for the year. Not achieved The median resolution time from notification to resolution was 8.5 hrs. There were 18 call-outs for the year	Not applicable (new measure 2015/16) Not applicable (new measure 2015/16)
Sewage is able to be disposed of without significant disruption	The total number of complaints received by the Council about any of the following: a) sewage odour b) sewerage system faults c) sewerage system blockages, and d) the Council's response to issues with its sewerage system. Expressed per 1000 connections to the Council's sewerage system.*	≤50	Achieved 7.6 per 1,000 properties connected. This covers 4 sewerage schemes with 2,489 properties connected and only 19 complaints were received.	Not applicable (new measure 2015/16)
Sewage is managed without risk to public health	Percentage of ratepayers satisfied with the sewage treatment and disposal service.	85%	Achieved 100%	Achieved 96%

SUMMARY STATEMENTS OF SERVICE PROVISION**Stormwater**

Levels of Service	Measure of Service	Target	Result for 2015-2016	Result for 2014-2015
System adequacy – the stormwater system is adequately sized and maintained.	The number of flooding events that occur in the district.* For each flooding event, the number of habitable floors affected (per 1000 properties connected to the Council's stormwater system)*	Less than or equal to 2 flooding events. Less than or equal to 2 per flooding event, per 1000 properties connected to the stormwater system.	Achieved Nil – no flooding events occurred during 2015/16 Achieved Nil – no reports of flood water entering houses	Achieved Nil Achieved Nil – no reports of flood water entering houses
Discharge compliance – the stormwater system is managed in accordance with consent conditions.	Compliance with the Council's resource consents for discharge from its stormwater system, measured by the number of abatement notices, infringement notices, enforcement orders, and convictions*	Nil abatement or infringement notices Nil enforcement orders or convictions	Achieved No abatement or infringement notices issued for the period Achieved No enforcement orders or convictions issued for the period	Not applicable (new measure) Not applicable (new measure)
Response times – flooding events from the stormwater system are promptly attended to.	The median response time to attend a flooding event, measured from the time that the Council receives notification to the time that service personnel reach the site.*	2 hours, including travel time to remote parts of the district.	Achieved (no flooding events occurred)	Achieved 100% of events were responded to within 1 hour
Customer satisfaction – the stormwater system is managed to an appropriate quality of service.	The number of complaints received by the Council about the performance of its stormwater system, expressed per 1000 properties connected to the stormwater system.*	Less than 5 complaints per 1000 properties connected to the stormwater system.	Achieved No complaints received	Not applicable (new measure)

SUMMARY STATEMENTS OF SERVICE PROVISION

Roading

Levels of Service	Measure of Service	Target	Result for 2015-2016	Result for 2014-2015
Council provides safe, smooth, quality sealed roads in order to reduce travel times and vehicle wear.	The average quality of ride on a sealed local road network, measured by smooth travel exposure.*	90% for rural and 75% for urban roads.	Achieved 98% for rural and 96% for urban roads.	Not applicable (new measure)
	The percentage of the sealed local road network that is resurfaced.*	≥4%	Achieved 10% (21.6km resurfaced)	Not applicable (new measure)
	The percentage of the unsealed road network renewed using wearing course and stabilisation techniques.	≥2%	Achieved 11% (57km wearing course)	Not applicable (new measure)
	The percentage of road users satisfied with the roading network.	≥80%	Achieved 87%	Achieved 88%
Council provides a safe and efficient roading network.	The change from the previous financial year in the number of fatalities and serious injury crashes on the local road network caused by road conditions, expressed as a number.*	Change from previous financial year = 0 (equates to a total target of ≤2 fatality and serious injury crashes).	Achieved Unchanged	Not applicable (new measure)
	The percentage of customer service requests relating to roads and footpaths to which Council responds within the timeframe specified in the LTP.*	≥75% of service requests relating to roads and footpaths will be responded to within 10 working days.	Achieved 75% – 8 service requests were received and 6 were responded to within the required timeframes	Not applicable (new measure)
Footpaths are maintained in good condition and are fit for purpose	The percentage of footpaths that fall within the level of service or service standard for the condition of footpaths that is set out in the LTP.*	≥75% of the total length of footpaths are at or above the 'average condition rating'. Condition rating will be undertaken at not less than 5 years frequency.	Achieved 86%	Not applicable (new measure)

SUMMARY STATEMENTS OF SERVICE PROVISION**Planning and Regulation**

Level of Service	Measure of Service	Target	Result for 2015-2016	Result for 2014-2015
To effectively manage environmental issues within the District.	The percentage of those surveyed that are satisfied by the belief that the Council are adequately managing resource management issues in the District.	≥80% positive feedback to a customer survey.	Achieved CINTA Survey 2016 showed 82% satisfaction.	Not Achieved CINTA Survey 2015 showed 71% satisfaction.
To provide a customer focused service for processing resource consents while achieving our obligations under the Resource Management Act 1991.	Non-notified consents are processed within the statutory timeframe of 20 working days. The percentage of applicants for resource consents that are satisfied with the quality of the service they receive..	≥95% compliance. 80% positive feedback to a customer survey.	Not Achieved 74% of consents were processed within the timeframe. Not Achieved Research First Survey 2016 showed 62% satisfaction.	Not Achieved 91% of consents were processed within the timeframe. Not Achieved CINTA Survey 2015 showed 79% satisfaction.
To provide a customer focussed building control service that achieves our obligations under the Building Act 2004.	Building consents are processed within the statutory timeframe of 20 working days. The percentage of applicants for building consents that are satisfied with the quality of the service they receive.	95% compliance ≥80% positive feedback to a customer survey.	Not Achieved 85% of consents were processed within the timeframe. Not Achieved Research First Survey 2016 showed 62% satisfaction.	Not Achieved 94% of consents were processed within the timeframe. Not Achieved CINTA Survey 2015 showed 69% satisfaction**.
To provide a safe environment for dogs and the public to co-exist.	The percentage of those surveyed that believe the Council is adequately managing dog control issues in the District.	≥80% positive feedback to a customer survey.	Achieved CINTA Survey 2016 showed 84% satisfaction.	Achieved CINTA Survey 2015 showed 85% satisfaction.
For the Council to be prepared to respond to a civil defence emergency.	Council staff and volunteers are familiar with their roles and are adequately trained.	Training is attended as required, and the Council will participate in one training exercise per year.	Achieved Council staff participated in Emergency Operations Centre training in April 2016.	Achieved Council staff participated in a South Island wide training exercise.
For the public to be adequately prepared for a civil defence emergency.	The percentage of the community surveyed that believe they are adequately prepared for a civil defence emergency.	≥80% favourable response from a customer survey.	Achieved CINTA Survey 2016 showed 89% satisfaction.	Not Achieved CINTA Survey 2015 showed 77% satisfaction.

SUMMARY STATEMENTS OF SERVICE PROVISION

Community and township services

Levels of Service	Measure of Service	Target	Result for 2015-2016	Result for 2014-2015
Township services and facilities are provided and maintained to an acceptable level	Average customer satisfaction rating for township services and facilities.	84% or above	Achieved 90.66% of those surveyed were satisfied with township services & facilities; the averaged was pulled down by satisfaction with public toilets. In both Tekapo & Twizel Council is responding by making changes at Twizel & bought forward replacement toilets in Tekapo	Achieved 94.0% of those surveyed were satisfied with township services and facilities; the averaged was pulled down by satisfaction with public toilets
Engage the community to achieve waste reduction	The percentage of solid waste from the district resource recovery diverted from landfills.	>37%	Achieved 38.2%	Achieved 37.7% diverted
Waste is handled hygienically	Compliance with resource consent conditions.	100% compliance	Achieved 100% compliant	Not applicable (new measure)

FINANCIAL STATEMENTS

Commercial activities

Levels of Service	Measure of Service	Target	Result for 2015-2016	Result for 2014-2015
Investments – The community expects the investments of the Council to be managed wisely.	Council's cash investment portfolio independently reviewed each quarter, and performance of investments against the Bancorp Ltd benchmark portfolio.	Council's cash investment portfolio independently reviewed each quarter and investments outperform the Bancorp Ltd benchmark portfolio.	Achieved The Council's investment portfolio outperformed the Bancorp Ltd benchmark in all four quarters.	Not achieved The Council's investment portfolio outperformed the Bancorp Ltd benchmark on three of the four quarters.
To foster the economic development of the district as a whole.	Percentage of ratepayers satisfied with the Council's tourism promotion and economic development	≥80%	Achieved 83% of respondents were either satisfied or somewhat satisfied with Council's performance. The results of the survey in relation to Economic Development seem to have driven the decrease in satisfaction.	Achieved 92% of respondents were either satisfied or somewhat satisfied with Council's performance.

FINANCIAL STATEMENTS

Summary Statement of Comprehensive Revenue and Expense for the year ending 30 June 2016

	2015	2016	
	Actual	Long term Plan	Actual
	\$000's	\$000's	\$000's
Total Revenue	13,584	12,487	20,038
Total Expenses	12,465	12,700	14,542
Surplus/(deficit)	1,119	(213)	5,496
Financial assets at fair value through other comprehensive income	9,252	0	1,058
Gain on infrastructure revaluations	0	0	0
NET COMPREHENSIVE REVENUE AND EXPENSE FOR THE YEAR	10,371	(213)	6,554

Summary Statement of Changes in Equity for the year ending 30 June 2016

	2015	2016	
	Actual	Long term Plan	Actual
	\$000's	\$000's	\$000's
EQUITY AT START OF THE YEAR	207,723	209,669	218,122
Inventory recognition taken to equity	28		
Valuation gains/(losses) taken to equity	0	0	(1,631)
Net income/(expense) recognised directly in equity	28	0	(1,631)
Net comprehensive income	10,371	(213)	6,554
TOTAL EQUITY AT END OF THE YEAR	218,122	209,456	223,045

Summary Statement of Financial Position as at 30 June 2016

	2015	2016	
	Actual	Long term Plan	Actual
	\$000's	\$000's	\$000's
Total Current Assets	14,919	12,793	12,310
Total Non Current Assets	206,468	198,866	213,608
Total Assets	221,387	211,658	225,918
Total Current Liabilities	3,189	2,036	2,796
Total Non Current Liabilities	75	167	77
Total Liabilities	3,264	2,203	2,873
NET ASSETS	218,122	209,456	223,045
Components of equity			
Accumulated funds	100,727	102,972	104,743
Capital reserves	(278)	(4,080)	(45)
Operating reserves	(2,270)	(110)	(485)
Special funds	6,114	6,097	5,770
Other reserves	44	42	46
Asset revaluation reserves	113,785	104,535	113,016
TOTAL EQUITY	218,122	209,456	223,045

Summary Statement of Cash Flows for the year ending 30 June 2016

	2015	2016	
	Actual	Long term Plan	Actual
	\$000's	\$000's	\$000's
Net increase (decrease) in cash and cash equivalents	(2,122)	1,110	(4,016)
Add cash at start of the year	9,408	4,928	7,286
CASH AND CASH EQUIVALENTS AT END OF THE YEAR	7,286	6,038	3,270
THE CHANGE IN THE CASH BALANCE IS DUE TO:			
Net cash flows from operating activities	3,386	5,891	2,059
Net cash flows from investing activities	(5,508)	(4,886)	(6,075)
Net cash flows from financing activities	0	105	0
NET INCREASE (DECREASE) IN CASH HELD	(2,122)	1,110	(4,016)

The accompanying Statement of Accounting Policies and Notes form an integral part of these financial statements.

FINANCIAL STATEMENTS

Disclosures

Summary Notes

Reporting entity

Mackenzie District Council (Council) is a territorial local authority established under the Local Government Act 2002 (LGA) and is domiciled and operates in New Zealand. The relevant legislation governing the Council's operations includes the LGA and the Local Government (Rating) Act 2002.

The principal activity of Mackenzie District Council is the provision of local authority services, including resource management, water, storm water, waste water and roading services, hazard management, recreation and cultural services and building control to the community. The Council does not operate to make a financial return.

The Council has designated itself as a public benefit entity (PBEs) for financial reporting purposes. The financial statements of the Council are for the year ended 30 June 2016. The financial statements were authorised for issue by Council on 31 October 2016.

Basis of preparation

The financial statements of Mackenzie District Council on which this summary is based, have been prepared in accordance with the requirements of the Local Government Act 2002: which includes the requirement to comply with New Zealand generally accepted accounting practice (NZ GAAP).

The financial statements are the first financial statements presented in accordance with the new PBE accounting standards. The financial statements have been prepared in accordance with Tier 2 PBE standards with Reduced Disclosure Requirements ("PBE RDR"). The Council qualifies for Tier 2 because it does not have public accountability and is not large under the PBE Standards. These financial statements comply with PBE Standards.

Council confirms that all other statutory requirements relating to the Annual Report have been complied with. This Summary Annual Report has been prepared in accordance with the Public Benefit Entity Financial Reporting Standard 43 (PBE FRS43) Summary Financial Statements.

Measurement base

The financial statements have been prepared on an historical cost basis, modified by the revaluation of land, buildings and certain infrastructural assets, properties identified for disposal and biological assets.

Functional and presentation currency

The financial statements are presented in New Zealand dollars and all rounded to the nearest thousand dollars (\$'000). The functional currency of the Council is New Zealand dollars.

Explanations of Major Variances against Budget

Explanations for major variances from Mackenzie District Council's estimated figures for the 2015/2016 year in the 2015-2025 Long-Term Plan are as follows:

Statement of Comprehensive Revenue and Expense

Surplus from operations

Council's net operating surplus of \$5,496,000 was more than the budgeted loss of \$213,000. Revenue was \$20,038,000, compared to the budgeted revenue of \$12,487,000. This is due to the net effect of the following variances in revenue and in expenditure as detailed below.

Revenue

Subsidies and grants

Subsidies and grants were \$1,891,000 being \$289,000 above the budget of \$1,602,000. This is due to an extra \$217,000 of NZTA monies received. Subsidies are directly related to the amount of money the Council spends on the Roadway activity, whether capital expenditure or operating expenditure. \$71,000 of petrol tax was also received this year and was not budgeted for.

Other revenue

Other revenue is \$2,874,000; \$1,188,000 more than the budget of \$1,686,000. This is mainly due to additional carbon credits worth \$739,000 being issued to Council and an increase in revenue from building consents of \$152,000. Revenue from Resource Recovery Park gate fees was up \$121,000 on budget due to an increase in the volume of rubbish this year.

Real estate sales

Revenue from real estate sales was \$3,273,000. This resulted from two lots sold in the Tekapo lakefront development, a section in Twizel to Meridian Energy and other sundry land sales.

Contributions

These contributions are generated as a result of developer giving effect to subdivision plans and have contributed \$587,000 (budget \$120,000) in revenue for the year.

Other gains

Revenue from other gains was above budget by \$1,987,000. The gain is due to larger than expected valuation increase from the forestry revaluation of \$2,049,000 (this increase is not a cash transaction. The unrealized gain represents the change in the market value of the forest for the year for accounting purposes only) and carbon credits increasing in value by \$639,000.

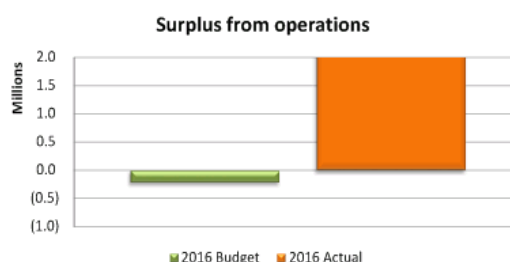
Vested assets

Revenue from vested assets is greater than budgeted by \$231,000. This is largely attributable to higher than anticipated amounts of vested assets provided to Council. Vested assets are mainly infrastructural assets received from developers once a subdivision is complete. This is a non-cash item and is subject to the number of subdivisions that are completed.

Council received \$231,000 in assets vested with Council from Tekapo developers, which is made up of water asset \$40,000, sewer assets \$32,000, stormwater assets \$32,000 and roading assets \$127,000.

Financial assets at fair value through other comprehensive revenue and expense

The movement for the year was a gain of \$1,058,000. \$1,047,000 of this gain relates to the revaluation of the Alpine Energy shares. This gain in value is not a cash transaction. The unrealised gain represents the change in the market value of the shares for the year for accounting purposes only.



Expenditure

Consultancy expenses Consultancy expenses were \$1,159,000; being \$315,000 more than the budget of \$844,000. This was due to the outsourcing of the monthly management reporting and a consultant planner; costs associated with the High Country Medical Trust and all costs involved with consent applications which are then on-charged to clients with the corresponding revenue showing in other revenue.

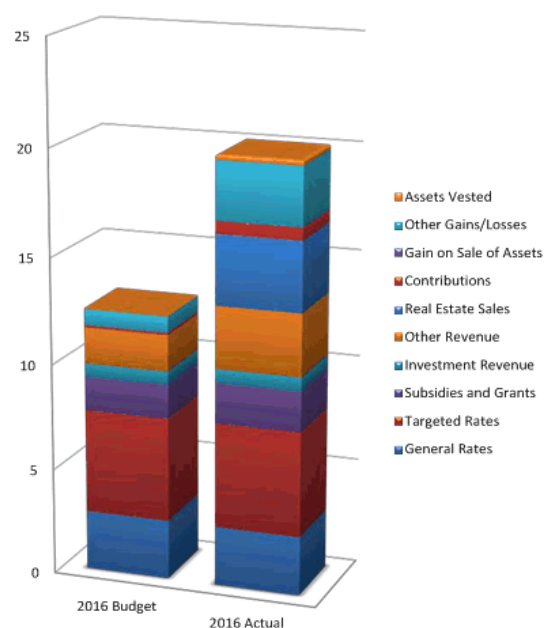
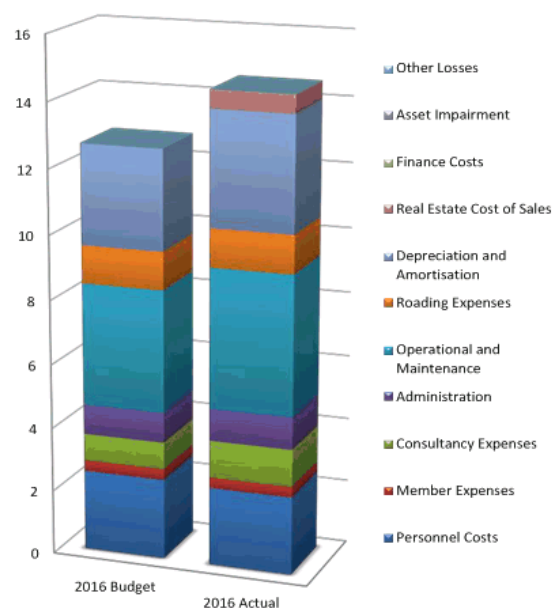
Operational and Maintenance Costs for the year are \$4,343,000; \$536,000 more than the budgeted cost of \$3,807,000. The main reasons for this are: costs associated with solid waste cartage are over budget by \$243,000 due to increased volumes of waste being generated and an increase in disposal costs for metal.

Contractor spends associated with water supplies and sewerage schemes were also over budget by \$203,000. An explanation for this and other operating expenditure variances are reported in detail by significant activity in the cost of service statements in the Group Activities section. These increases were offset by reduced spending on contribution payments for tourism and economic development and township projects, where expenditure was of a capital nature and transferred to the asset schedule rather than expensed as per the budget.

Depreciation A \$330,000 grant was made to the High Country Medical Trust for a building extension.

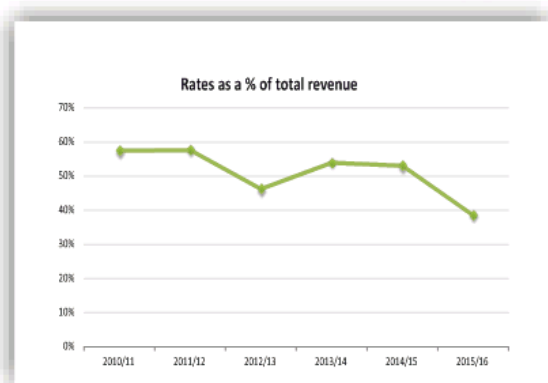
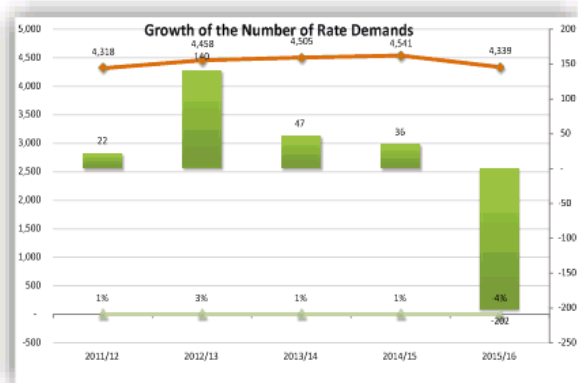
Depreciation of \$3,533,000, being \$444,000 higher than the budget of \$3,089,000. This is due to higher than expected spends over the past two years on roading infrastructure, resulting in a higher depreciation charge.

Real estate cost of sales Real Estate cost of sales was \$558,000 which was unbudgeted. This relates to the land costs associated with the sections sold.

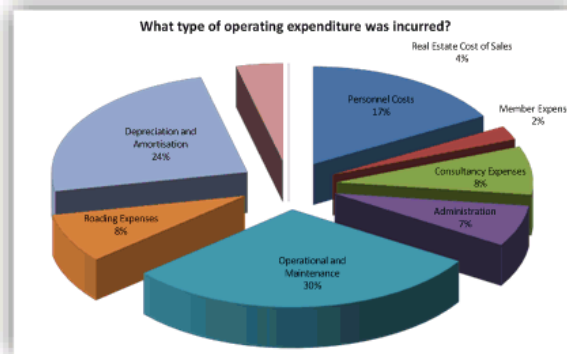
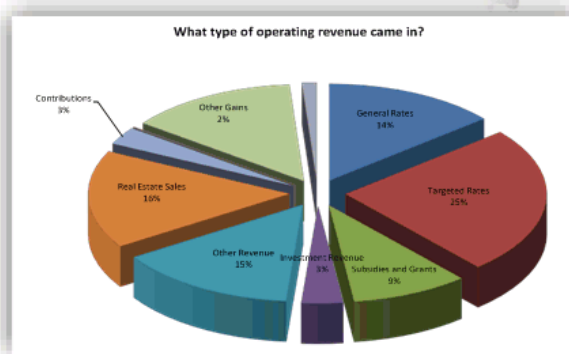
Revenue items (Millions)**Expenditure items (Millions)****Disclaimer**

1. The specific disclosures included in the summary financial report have been extracted from the full financial report adopted on 31 October 2016. This summary has been prepared in accordance with PBE FRS 43: Summary Financial Statements.
2. The summary annual report cannot be expected to provide as complete an understanding as provided by the full annual report. The full annual report dated 31 October 2016 has received an unmodified audit report. A copy of the annual report may be obtained from the Council's offices or on the Council's website (www.mackenzie.govt.nz).
3. The summary has been examined for consistency with the full Annual Report and was audited by Audit New Zealand on behalf of the Office of the Auditor-General. The full annual report received an unqualified audit opinion on 31 October 2016.
4. The specific disclosures included in this Summary Annual Report have been extracted from the full Annual Report and was authorised for issue by Council's Chief Financial Officer on 31 October 2016.

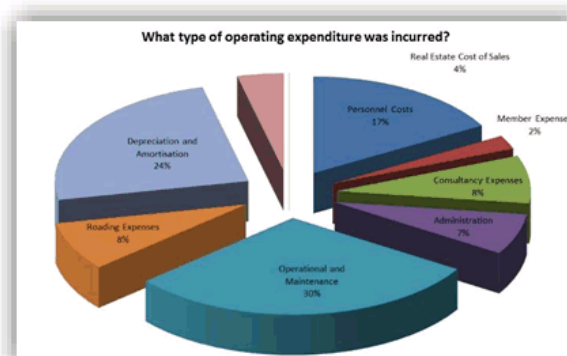
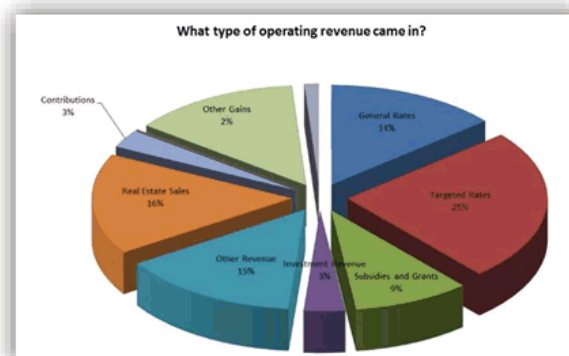
FINANCIAL OVERVIEW



Operational



Capital





Independent Auditor's Report
To the readers of
Mackenzie District Council's
summary annual report
for the year ended 30 June 2016

The summary annual report was derived from the annual report of the Mackenzie District Council (the District Council) for the year ended 30 June 2016. We have considered whether the summary annual report represents, fairly and consistently, the information regarding the major matters dealt with in the annual report.

The annual report included full audited statements, and the summary annual report includes summary statements. We have audited the following summary statements reported in the summary annual report on pages 1 to 15:

- the summary statement of financial position as at 30 June 2016;
- the summaries of the statement of comprehensive income, statement of changes in equity, and statement of cash flows for the year ended 30 June 2016;
- the notes to the summary financial statements that include accounting policies and other explanatory information; and
- the summary statement of service provision of the District Council.

We expressed an unmodified audit opinion on the District Council's full audited statements in our report dated 31 October 2016.

Opinion

In our opinion:

- the summary annual report represents, fairly and consistently, the information regarding the major matters dealt with in the annual report; and
- the summary statements comply with PBE FRS-43: *Summary Financial Statements*.

Basis of opinion

Our audit was carried out in accordance with the Auditor-General's Auditing Standards, which incorporate the International Standards on Auditing (New Zealand), and in particular with the International Standard on Auditing (New Zealand) 810: *Engagements to Report on Summary Financial Statements*. These standards require us to carry out procedures to confirm whether the summary annual report contains the information necessary, and at an appropriate level of aggregation, so as not to be misleading.

The summary statements, and the full audited statements from which they were derived, do not reflect the effects of events that occurred subsequent to our report dated 31 October 2016 on the full audited statements.

The summary statements do not contain all the disclosures required for full audited statements under generally accepted accounting practice in New Zealand. Reading the summary statements, therefore, is not a substitute for reading the full audited statements in the annual report of the District Council.

Responsibilities of the Council and the Auditor

The Council is responsible for preparing the summary annual report so that it represents, fairly and consistently, the information regarding the major matters dealt with in the annual report. This includes preparing summary statements, in accordance with PBE FRS-43: *Summary Financial Statements*. The Council is also responsible for the publication of the summary annual report, whether in printed or electronic form.

We are responsible for expressing an opinion on whether the summary annual report represents, fairly and consistently, the information regarding the major matters dealt with in the annual report and whether the summary statements comply with PBE FRS 43: *Summary Financial Statements*.

Other than in our capacity as auditor we have no relationship with, or interest in, the District Council.

John Mackey,

Audit New Zealand
 On behalf of the Auditor-General
 Christchurch, New Zealand (31 October 2016)

4.2 STANDING ORDERS

File Reference: PAD 3

Authoriser: Toni Morrison, Projects & Administration Manager

Attachments: 1. Mackenzie District Council Standing Orders 31 October 2016

PURPOSE OF REPORT

The Local Government Act 2002 requires that each Council adopts a set of standing orders. The Council is asked to adopt a new set of standing orders for the conduct of its meetings and those of its committees.

STAFF RECOMMENDATIONS

1. That the report be received.
2. That the Council adopts the Mackenzie District Council Standing Orders dated 31 October 2016 pursuant to Clause 27, Schedule 7 of the Local Government Act 2002.

BACKGROUND

The Local Government Act 2002 requires each Council to adopt a set of standing orders. These apply to Council and committee meetings, and provide the basis for orderly conduct of meetings. They include certain rules defining the rights of Chairs and members to address meetings.

The Council previously operated under a set of model standing orders (NZS 9202:2003). Local Government New Zealand (LGNZ) has recently published a new set of standing orders which provide for recent legislative changes and a more user-friendly structure. Staff propose that these standing orders are adopted with a few minor modifications to ensure the practices of Mackenzie District Council are provided for.

Audio Visual Links

The new standing orders provide for members to attend meetings via audio visual link (refer order 12.11). Members, upon the giving of notice to the Chair and with the Chair's approval, may attend meetings remotely under a certain set of circumstances. That member's attendance is not counted in terms of forming a quorum, and that member is not able to take the role of Chair or Deputy Chair, but they are entitled to vote on any resolutions before the meeting.

The attached standing orders include a proposal to provide for any member who is further than 75km by road from the place of a meeting to seek approval from the Chair to attend by electronic link. This was not provided for in the previous model standing orders nor in the LGNZ proposed orders, but the position of the previous Council was that this addition was appropriate for Mackenzie circumstances and they adopted it. Staff recommend this is retained and have included it in the attached orders.

Other new orders of note:

- Order 11.4 provides for any member of the public to make an electronic or digital recording of meetings which are open to the public. Any such recording must be notified to the Chairperson at the start of the meeting and must not distract the meeting.

- Order 19.11 provides that electronic devices and phones can only be used to advance the business of a meeting, and that personal use may only occur at the discretion of the Chair. A chairperson may require a device to be switched off if its use is distracting, or if a member is found to be receiving information or advice from sources not present at the meeting, and which may affect the integrity of the proceedings.

Public Forum

The draft orders by LGNZ included a section with procedures for Councils who wished to hold a public forum at the start of each meeting. Neither Mackenzie District Council nor its committees have ever had such a forum, so this provision has been removed from the standing orders. Public forums are usually held by the Community Boards, and will be provided for in their standing orders.

For Council and committees, there is still provision for deputations from individuals or organisations who wish to speak to Council or committees on matters involving Council business. Speakers can speak for up to 15 minutes, with no more than two speakers able to speak on behalf of an organisation's deputation. This is the usual format for presentations from visitors to Council/committees.

POLICY STATUS

N/a.

SIGNIFICANCE OF DECISION

The decision to adopt standing orders is considered to be an important decision. It is however not significant in terms of the Council's Significance and Engagement Policy.

OPTIONS

1. To adopt the standing orders as attached without amendment; or
2. To instruct staff to amend the standing orders, and adopt the revised orders; or
3. To not adopt the standing orders.

The Council could choose not to adopt the standing orders as attached, or could adopt them by a vote of 75% of the members present. If the new standing orders are not adopted then the previous standing orders would apply.

Staff consider the attached standing orders are appropriate, up to date and efficient in respect of the way the Council and its committees are required to conduct meetings and processes. If amendments are sought then these will need to satisfy the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

CONSIDERATIONS

Legal

The Council is required to adopt a set of standing orders, and LGNZ has proposed a model set of orders which fulfil legal requirements. Any changes would also need to comply with the legislation.

Financial

N/a.

Other

N/a.

CONCLUSION

The Council is asked to adopt a new set of standing orders for the conduct of its meetings and those of its committees. These standing orders are attached.

WAYNE BARNETT

CHIEF EXECUTIVE OFFICER



MACKENZIE DISTRICT COUNCIL

Standing Orders

31 October 2016

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies, and local and community boards. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

Please note standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

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Contents

1.	Introduction	10
1.1	Principles	10
1.2	Statutory references	10
1.3	Acronyms	11
1.4	Application	11
2.	Definitions	11
	General matters	16
3.	Standing orders	16
3.1	Obligation to adopt standing orders	16
3.2	Process for adoption and alteration of standing orders	16
3.3	Members must obey standing orders	16
3.4	Application of standing orders	16
3.5	Temporary suspension of standing orders	16
3.6	Quasi-judicial proceedings	17
3.7	Physical address of members	17
4.	Meetings	17
4.1	Legal requirement to hold meetings	17
4.2	Meeting duration	17
4.3	Language	17
4.4	Webcasting meetings	18
4.5	First meeting (inaugural)	18
4.6	Requirements for the first meeting	18
5.	Appointments and elections	19
5.1	Mayoral appointment of deputy Mayor, committee chairs and members	19
5.2	Council Discharge of a Mayoral Appointment	19
5.3	Establishment of committees by the Mayor	19
5.4	Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons	20
5.5	Removal of a deputy Mayor	20
5.6	Voting system for chairs, deputy Mayors and committee chairs	20
6.	Delegations	21
6.1	Limits on delegations	21
6.2	Committees may delegate	21
6.3	Use of delegated powers	22
6.4	Decisions made under delegated authority cannot be rescinded or amended	22
6.5	Committees and sub committees subject to the direction of the local authority	22
6.6	Duty to consider delegations to community boards	22

7. Committees	23
7.1 Appointment of committees and subcommittees	23
7.2 Discharge or reconstitution of committees and subcommittees	23
7.3 Appointment or discharge of committee members and subcommittee members	23
7.4 Elected members on committees and subcommittees	23
7.5 Local authority may replace members if committee not discharged	24
7.6 Membership of Mayor	24
7.7 Decision not invalid despite irregularity in membership	24
7.8 Appointment of joint committees	24
7.9 Status of joint committees	25
7.10 Power to appoint or discharge individual members of a joint committee	25
Pre-meeting	26
8. Giving notice	26
8.1 Public notice – ordinary meetings	26
8.2 Notice to members - ordinary meetings	26
8.3 Extraordinary meeting may be called	26
8.4 Notice to members - extraordinary meetings	26
8.5 Public notice - extraordinary meetings	27
8.6 Process for calling an extraordinary meeting at an earlier time	27
8.7 Notification of extraordinary meetings held at an earlier time	27
8.8 Chief executive may make other arrangements	27
8.9 Meetings not invalid	27
8.10 Resolutions passed at an extraordinary meeting	28
8.11 Meeting schedules	28
8.12 Non-receipt of notice to members	28
8.13 Meeting cancellations	28
9. Meeting agenda	29
9.1 Preparation of the agenda	29
9.2 Process for raising matters for a decision	29
9.3 Chief executive may delay or refuse request	29
9.4 Order of business	29
9.5 Chairperson's recommendation	29
9.6 Chairperson's report	29
9.7 Public availability of the agenda	30
9.8 Public inspection of agenda	30
9.9 Withdrawal of agenda items	30
9.10 Distribution of the agenda	30

9.11	Status of agenda	30
9.12	Items of business not on the agenda which cannot be delayed	31
9.13	Discussion of minor matters not on the agenda	31
9.14	Public excluded business on the agenda	31
9.15	Qualified privilege relating to agenda and minutes	31
Meeting Procedures		32
10. Quorum		32
10.1	Councils	32
10.2	Committees and subcommittees	32
10.3	Joint Committees	32
10.4	Requirement for a quorum	33
10.5	Meeting lapses where no quorum	33
10.6	Business from lapsed meetings	33
11. Public access and recording		33
11.1	Meetings open to the public	33
11.2	Grounds for removing the public	33
11.3	Local authority may record meetings	33
11.4	Public may record meetings	34
12. Attendance		34
12.1	Members right to attend meetings	34
12.2	Attendance when a committee is performing judicial or quasi-judicial functions	34
12.3	Leave of absence	34
12.4	Apologies	35
12.5	Recording apologies	35
12.6	Absent without leave	35
12.7	Right to attend by audio or audio visual link	35
12.8	Member's status: quorum	35
12.9	Member's status: voting	35
12.10	Chairperson's duties	35
12.11	Conditions for attending by audio or audio visual link	36
12.12	Request to attend by audio or audio visual link	36
12.13	Chairperson may terminate link	37
12.14	Giving or showing a document	37
12.15	Link failure	37
12.16	Confidentiality	37
13. Chairperson's role in meetings		37
13.1	Council meetings	37

13.2	Committee meetings	38
13.3	Addressing the Chairperson	38
13.4	Chairperson's rulings	38
13.5	Chairperson standing	38
13.6	Member's right to speak	38
13.7	Chairperson may prioritise speakers	38
14.	Deputations	39
14.1	Time limits	39
14.2	Restrictions	39
14.3	Questions of a deputation	39
14.4	Resolutions	39
15.	Petitions	39
15.1	Form of petitions	39
15.2	Petition presented by petitioner	40
15.3	Petition presented by member	40
17.	Exclusion of public	40
17.1	Motions and resolutions to exclude the public	40
17.2	Specified people may remain	41
17.3	Public excluded items	41
17.4	Non-disclosure of information	41
17.5	Release of information from public excluded session	41
18.	Voting	42
18.1	Decisions by majority vote	42
18.2	Open voting	42
18.3	Chairperson has a casting vote	42
18.4	Method of voting	42
18.5	Calling for a division	42
18.6	Request to have votes recorded	43
18.7	Members may abstain	43
19.	Conduct	43
19.1	Calling to order	43
19.2	Disrespect	43
19.3	Retractions and apologies	43
19.4	Disorderly conduct	43
19.5	Contempt	43
19.6	Removal from meeting	44
19.7	Financial conflicts of interests	44
19.8	Non-financial conflicts of interests	44

19.9	Qualified privilege for meeting proceedings	44
19.10	Qualified privilege additional to any other provisions	45
19.11	Electronic devices at meetings	45
20.	General rules of debate	45
20.1	Chairperson may exercise discretion	45
20.2	Time limits on speakers	45
20.3	Questions to staff	45
20.4	Questions of clarification	46
20.5	Members may speak only once	46
20.6	Limits on number of speakers	46
20.7	Secunder may reserve speech	46
20.8	Speaking only to relevant matters	46
20.9	Restating motions	46
20.10	Criticism of resolutions	46
20.11	Objecting to words	46
20.12	Right of reply	47
20.13	No other member may speak	47
20.14	Adjournment motions	47
20.15	Chairperson's acceptance of closure motions	47
21.	General procedures for speaking and moving motions	48
21.1	Options for speaking and moving	48
21.2	Option A	48
21.3	Option B	48
21.4	Option C	49
21.5	Procedure if no resolution reached	49
22.	Motions and amendments	49
22.1	Proposing and seconding motions	49
22.2	Motions in writing	49
22.3	Motions expressed in parts	49
22.4	Substituted motion	49
22.5	Amendments to be relevant and not direct negatives	50
22.6	Foreshadowed amendments	50
22.7	Lost amendments	50
22.8	Carried amendments	50
22.9	Where a motion is lost	50
22.10	Withdrawal of motions and amendments	50
22.11	No speakers after reply or motion has been put	50
23.	Revocation or alteration of resolutions	51

23.1	Member may move revocation of a decision	51
23.2	Revocation must be made by the body responsible for the decision	51
23.3	Requirement to give notice	51
23.4	Restrictions on actions under the affected resolution	51
23.5	Revocation or alteration by resolution at same meeting	52
23.6	Revocation or alteration by recommendation in report	52
24.	Procedural motions	52
24.1	Procedural motions must be taken immediately	52
24.2	Procedural motions to close or adjourn a debate	52
24.3	Voting on procedural motions	53
24.4	Debate on adjourned items	53
24.5	Remaining business at adjourned meetings	53
24.6	Business referred to the council, committee or local or community board	53
24.7	Other types of procedural motions	53
25.	Points of order	53
25.1	Members may raise points of order	53
25.2	Subjects for points of order	53
25.3	Contradictions	54
25.4	Point of order during division	54
25.5	Chairperson's decision on points of order	54
26.	Notices of motion	54
26.1	Notice of intended motion to be in writing	54
26.2	Refusal of notice of motion	54
26.3	Mover of notice of motion	55
26.4	Alteration of notice of motion	55
26.5	When notices of motion lapse	55
26.6	Referral of notices of motion	55
26.7	Repeat notices of motion	55
27.	Minutes	56
27.1	Minutes to be evidence of proceedings	56
27.2	Matters recorded in minutes	56
27.3	No discussion on minutes	56
27.4	Minutes of last meeting before election	57
28.	Minute books	57
28.1	Inspection	57
28.2	Inspection of public excluded matters	57
	Referenced documents	57
	Appendix 1: Grounds to exclude the public	58

Appendix 2: Sample resolution to exclude the public	60
Appendix 3: Motions and amendments (option A)	63
Appendix 4: Table of procedural motions	64
Appendix 5: Webcasting protocols	66
Appendix 6: Powers of a Chairperson	67
Appendix 7: Mayors' powers to appoint under s.41A	72
Appendix 8: Process for removing a Chairperson and deputy Mayor from office	73
Appendix 9: Workshops	74
Appendix 10: Sample order of business	75
Appendix 11: Process for raising matters for a decision	76

1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters
- Part 2 deals with pre-meeting procedures
- Part 3 deals with meeting procedures.

Following Part 3 the Appendices provide templates and additional guidance for implementing provisions within the standing orders. Please note; the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present). In addition the 'Guide to Standing Orders' provides additional advice for Chairpersons and staff on implementation of the standing orders and are not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- conduct its business in an open, transparent and democratically accountable manner;
- give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- make itself aware of, and have regard to, the views of all of its communities;
- take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- ensure that decision-making procedures and practices meet the standards of natural justice.

These are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders combine statutory provisions with guidance on their application. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference.

In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that during a meeting any statutory references in the standing orders apply throughout the period of the meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002 Local Government Act 2002

LGOIMA Local Government Official Information Act 1987

LAMIA Local Authority Members' Interests Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person presiding at a meeting – the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the local authority.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Community board means a community board established under s.49 of the LGA 2002.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Electronic link means both an audio and audio visual link.

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Local authority means in the context of these standing orders a regional council or territorial authority, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Mayor means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Open voting means voting that is conducted openly and in a transparent manner and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority;
- any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to sum up the debate and reply to those who have spoken against the motion. (The right can also apply to an amendment.)

Second means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of "Committee".

Working day means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day and, if Waitangi Day or Anzac Day falls on a weekend, the following Monday.

- (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

Should a local authority wish to meet between the 25th of December and the 15th day of January in the following year any meeting must be notified as an extraordinary meeting unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of “advisory group”. Workshops are also described as briefings.

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Local boards and community boards must also adopt standing orders. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75 % of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders. Local boards and community boards which have adopted these standing orders must also comply with them.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl. 27(4), Schedule 7, LGA 2002.

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a local authority, local board and community board must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than three hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting. Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the mayor (if any) and members under cl.14, Schedule7, (LGA 2002), and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002), and
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013;
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

Please note that the election of a deputy mayor is not required if the Mayor has already made the appointment under s. 41A (3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a deputy Mayor from office in accordance with cl.18 of Schedule 7 LGA 2002.

5. Appointments and elections

5.1 Mayoral appointment of deputy Mayor, committee chairs and members

A Mayor may appoint the deputy Mayor, the Chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint him or her self.

s. 41A (3) LGA 2002.

5.2 Council Discharge of a Mayoral Appointment

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a Chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee Chairpersons in accordance with s.41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 5.4.

cl. 31, Schedule 7 LGA 2002

5.3 Establishment of committees by the Mayor

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right a list of the committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish committees under s. 41A then any decision to establish committees must follow the processes set out in these standing orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl. 30 of Schedule 7, LGA 2002, a committee established by the Mayor or appointing, more committees in addition to any established by the Mayor.

s. 41A (3) and (4) LGA 2002.

5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.5) when electing people to the following positions:

- the Chairperson and deputy Chairperson of a regional council;
- the deputy Mayor;
- the Chairperson and deputy Chairperson of a committee; and
- a representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See Appendix 7.

cl. 25 Schedule 7, LGA 2002.

5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 8.

cl. 18, Schedule 7, LGA 2002.

5.6 Voting system for chairs, deputy Mayors and committee chairs

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) there is a first round of voting for all candidates;
- (b) if no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) if no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) there is only one round of voting; and
- (b) if two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

6. Delegations**6.1 Limits on delegations**

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) the power to make a rate;
- (b) the power to make a bylaw;
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) the power to adopt a long-term plan, annual plan, or annual report;
- (e) the power to appoint a chief executive;
- (f) the power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*;
- (h) the power to adopt a remuneration and employment policy.

cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, subcommittee, subordinate decision-making body, local board, community board, member, or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and sub committees subject to the direction of the local authority

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given to them.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

6.6 Duty to consider delegations to community boards

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

cl. 32(6) Schedule 7, LGA 2002.

7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) a local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) a committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Membership of Mayor

The Mayor is a member of every committee of the local authority.

s. 41A (5), LGA 2002.

7.7 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. there is a vacancy in the membership of the local authority, committee, local or community board at the time of the decision; or
2. following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.8 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) the number of members each party may appoint; and
- (b) how the Chairperson and deputy Chairperson are to be appointed; and
- (c) the terms of reference of the committee; and
- (d) what responsibilities, if any, are to be delegated to the committee by each party; and
- (e) how the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.9 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.10 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting

8. Giving notice

Please note; the processes described in this section (standing orders 8.1 – 8.13) apply as appropriate to local boards and community boards.

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification must be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) resolution of the council, or
- (b) a requisition in writing delivered to the chief executive which is signed by:
 - i. the Mayor or Chairperson, or
 - ii. no less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings

Notice in writing of the time and place of an extraordinary meeting called under standing order 8.3 and of the general nature of business to be considered must be given by the chief executive to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

8.5 Public notice - extraordinary meetings

Where an extraordinary meeting of a local authority was called and notice of that meeting was inconsistent with these standing orders the local authority must, as soon as practicable following the meeting, give public notice stating that:

- (a) the meeting has occurred;
- (b) the general nature of business transacted; and
- (c) the reasons why it was not correctly notified.

s. 46 (3) & (4), LGOIMA.

8.6 Process for calling an extraordinary meeting at an earlier time

If the nature of business requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 8.4, a meeting may be called by the Mayor or Chairperson, or if the Mayor and Chairperson are not available, the chief executive.

cl. 22 (2) Schedule 7, LGA 2002.

8.7 Notification of extraordinary meetings held at an earlier time

Notice of the time, place and matters to be considered of a meeting called under Standing Order 8.6, must be given by the person calling the meeting or by another person on that person's behalf. Notice must be given to each member of the council and the chief executive by whatever means is reasonable in the circumstances and at least 24 hours before the time appointed for the meeting.

cl. 22 (4), Schedule 7 LGA 2002.

8.8 Chief executive may make other arrangements

The chief executive is to make any other arrangement for the notification of meetings, including extraordinary meetings, as the local authority may, from time to time, determine.

s. 46(5) LGOIMA.

8.9 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- that the meeting occurred without proper notification;
- the general nature of the business transacted; and
- the reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.10 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless -

- (a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

8.11 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.12 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) the member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.13 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 11.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 10.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting.

9.7 Public availability of the agenda

All information provided to members at a local authority, or local or community board, meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

- (a) must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and:
- (b) must be accompanied by either:
 - i. the associated reports; or
 - ii. a notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting (see Standing Order 8.4).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA.

Meeting Procedures

Opening and closing

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau. Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

10. Quorum

10.1 Councils

The quorum for a meeting of the council is:

- (a) half of the members physically present, where the number of members (including vacancies) is even; and
- (b) a majority of the members physically present, where the number of members (including vacancies) is odd.

cl. 23 (3)(a) Schedule 7, LGA 2002.

10.2 Committees and subcommittees

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members.

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

cl. 23 (3)(b) Schedule 7, LGA 2002.

10.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 10.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

10.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

10.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

10.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the chief executive.

11. Public access and recording

11.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

s.47 & 49(a), LGOIMA.

11.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

11.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

11.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

12. Attendance

12.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl. 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

12.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

12.3 Leave of absence

A council, local board or community board may grant a member leave of absence following an application from that member.

In addition a council, local board or community board may delegate the power to grant a leave of absence to the Chairperson in order to protect a member's privacy. The Chairperson will advise all members of the council, local board or community board whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

12.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

12.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

12.6 Absent without leave

Where a member is absent from the council, local board or community board for four consecutive meetings without leave of absence (not including extraordinary meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

12.7 Right to attend by audio or audio visual link

Provided the conditions in these standing orders are met members of the local authority or its committees have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

12.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

12.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

12.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audio visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality;
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other;

- ii. the member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
- iii. the requirements of Part 7 of LGOIMA are met; and
- iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

12.11 Conditions for attending by audio or audio visual link

The Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) where a member is unwell; and
- (c) where a member is unable to attend due to an emergency; and
- (d) If the member lives more than 75 kilometres by road from the place of the meeting, or
- (e) If the member is temporarily absent from the member's usual place of residence and more than 75 kilometres by road from the place of the meeting.

Provided however than Standing Order 2.19 does not apply to meetings in the nature of hearings (for instance, hearings under the Local Government Act 2002 or the Resource Management Act 1991), and

Provided that the necessary audio or audiovisual technology is available to facilitate the member's request.

12.12 Request to attend by audio or audio visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

12.13 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (a) use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) the behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) it is distracting to the members who are physically present at the meeting; and
- (d) the quality of the link is no longer suitable.

12.14 Giving or showing a document

A person attending a meeting by audio or audio visual link may give or show a document by:

- (a) transmitting it electronically;
- (b) using the audio visual link; or
- (c) any other manner that the Chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

12.15 Link failure

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

12.16 Confidentiality

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

13. Chairperson's role in meetings

13.1 Council meetings

The Mayor or Chairperson of the council or local or community board must preside at meetings of the council or board unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Mayor/chair must act as Chairperson. If the deputy Mayor/chair is also absent the local authority members who are present must elect a member to be Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Mayor/Chairperson for that meeting. This provision also applies to committees and subcommittees.

cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

13.2 Committee meetings

The appointed Chairperson of a committee must preside at all committee meetings, unless they vacate the chair for a particular meeting or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson at that meeting who may exercise the meeting responsibilities, duties and powers of the Chairperson.

This standing order also applies to subcommittees and subordinate decision-making bodies.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

13.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

13.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

13.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down and be silent so that they can hear the Chairperson without interruption.

13.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

13.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) move a motion to terminate or adjourn the debate; and/or
- (c) make a point of explanation; and/or
- (d) request the chair to permit the member a special request.

14. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations are approved by the Chairperson or an official with delegated authority.

14.1 Time limits

Speakers can speak for up to 15 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

14.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- a speaker is repeating views presented by an earlier speaker at the meeting;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;
- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

14.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

14.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda, and once a motion has been moved and seconded.

15. Petitions

15.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting to enable the petition be translated and reprinted, if necessary.

15.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

15.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) the petition;
- (b) the petitioners' statement; and
- (c) the number of signatures.

16. Exclusion of public

16.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) the general subject of each matter to be excluded;
- (b) the reason for passing the resolution in relation to that matter; and
- (c) the grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

16.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

16.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

16.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) there are no grounds under LGOIMA for withholding the information;
- (b) the information is no longer confidential.

16.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

17. Voting

17.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority (or local and community boards) must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

cl. 24 (1), Schedule 7, LGA 2002.

17.2 Open voting

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

17.3 Chairperson has a casting vote

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

This shall not apply to the Pukaki Airport Committee. The Chairperson of the Pukaki Airport Committee will not have a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

17.4 Method of voting

The method of voting must be as follows:

- (a) the Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) the Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices or division, and the result displayed notified to the Chairperson who must declare the result.

17.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

17.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

17.7 Members may abstain

Any member may abstain from voting.

18. Conduct

18.1 Calling to order

When the Chairperson calls members to order, they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

18.2 Disrespect

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the local authority's Code of Conduct at any meeting.

18.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

18.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

18.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

18.6 Removal from meeting

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

18.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

18.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority (or local or community board) could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

18.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

18.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

18.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

19. General rules of debate

19.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak, is subject to the discretion of the Chairperson.

19.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) movers of motions when speaking to the motion – not more than 10 minutes;
- (b) movers of motions when exercising their right of reply – not more than 5 minutes;
- (c) other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

19.3 Questions to staff

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

19.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

19.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of a local authority or any local or community board except with permission of the Chairperson.

19.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of or opposition to a motion.

19.7 Seconder may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

19.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

19.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

19.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

19.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

19.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

19.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) after the mover has started their reply;
- (b) after the mover has indicated that they want to forego this right;
- (c) where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

19.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

19.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

20. General procedures for speaking and moving motions

20.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

20.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

20.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

20.4 Option C

- The mover and seconder of a motion can move or second an amendment
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

20.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

21. Motions and amendments

21.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not in order and are not entered in the minutes.

21.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

21.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

21.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

21.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. Any amendment which, if carried, would have the effect of defeating a previous motion that was carried is a direct negative and is therefore not allowed.

21.6 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments and the nature of their content.

21.7 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

21.8 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

21.9 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

21.10 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

21.11 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) the mover has started their right of reply in relation to the motion; and
- (b) the Chairperson has started putting the motion.

22. Revocation or alteration of resolutions

22.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, local or community board. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

22.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, or a local or community board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or local board or community board.

cl. 32 (2)4 Schedule 7, LGA 2002.

22.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

22.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with. Exceptions apply where, in the opinion of the Chairperson:

- (a) the practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;

- (b) by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

22.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

22.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, local or community board, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

23. Procedural motions

23.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate.

23.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) that the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) that the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) that the item of business being discussed should lie on the table and not be further discussed at this meeting;
- (e) that the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

23.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

23.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

23.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

23.6 Business referred to the council, committee or local or community board

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

23.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

24. Points of order

24.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

24.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) disorder – bringing disorder to the attention of the Chairperson;
- (b) language – use of disrespectful, offensive or malicious language;

- (c) irrelevance – the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee;
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

24.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

24.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

24.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

25. Notices of motion

25.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover.]

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

25.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) is disrespectful or which contains offensive language or statements made with malice;
or
- (b) is not related to the role or functions of the local authority or meeting concerned; or

- (c) contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

25.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

25.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

25.5 When notices of motion lapse

Notices of motion that are not put when called by the Chairperson must lapse.

25.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

25.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

26. Minutes

26.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard copy, signed and included in the council's minute book and, when confirmed by resolution at a subsequent meeting and signed by the Chairperson, will be prima facie evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

26.2 Matters recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- (a) the date, time and venue of the meeting;
- (b) the names of the members present;
- (c) the Chairperson;
- (d) any apologies or leaves of absences;
- (e) the arrival and departure times of members;
- (f) any failure of a quorum;
- (g) a list of any external speakers and the topics they addressed;
- (h) a list of the items considered;
- (i) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) the names of all movers, and seconders;
- (k) any objections made to words used;
- (l) all divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that votes or abstentions be recorded;
- (n) any declarations of financial or non-financial conflicts of interest;
- (o) the contempt, censure and removal of any members;
- (p) any resolutions to exclude members of the public;
- (q) the time at which the meeting concludes or adjourns;
- (r) the names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

26.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

26.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign the minutes of the last meeting of the local authority and its local and community boards before the next election of members.

27. Minute books

27.1 Inspection

A hard copy of the local authority's minute books must be kept by the chief executive and be open for inspection by the public. This does not preclude the complementary use of electronic minutes in accordance with the Electronics Transactions Act.

s. 51 LGOIMA.

27.2 Inspection of public excluded matters

The chief executive must consider any request for the minutes of a meeting or part of a meeting from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

28. Referenced documents

- Commissions of Inquiry Act 1908
- Sale of Alcohol Act 2012
- Crimes Act 1961
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Resource Management Act 1991 (RMA)
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) to endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. disclose a trade secret; or
 - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
 - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori i, or to avoid the disclosure of the location of waahi tapu; or
 - (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. be likely otherwise to damage the public interest; or
 - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (h) Maintain legal professional privilege; or
 - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or

- (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

A3 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:

- (a) Be contrary to the provisions of a specified enactment; or
- (b) Constitute contempt of Court or of the House of Representatives.

A4 That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).

A5 That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:

- (a) Any proceedings before a Council where
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
- (b) Any proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971.

Appendix 2: Sample resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

- *Name of report(s)*

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1 <i>Put in name of report</i>	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

<p>4 <i>Hearings Committee</i></p>	<p>To enable the Committee to consider the application and submissions.</p> <p>OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p>OR</p> <p>To enable the Committee to.</p>	<p>That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <ul style="list-style-type: none"> i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act s. 48(1)(d).</p>
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This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	Maintain legal professional privilege (Schedule 7(2)(g))

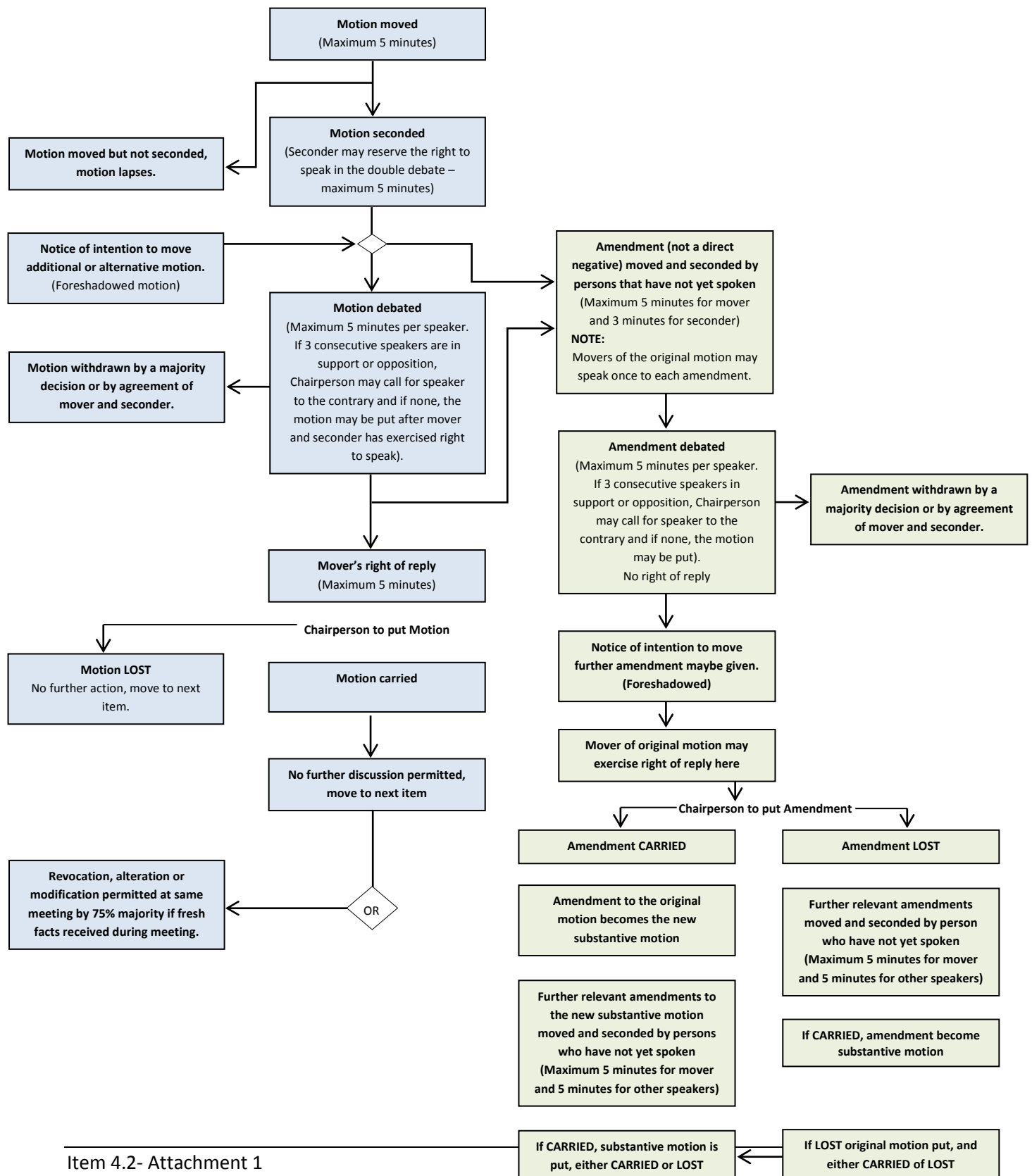
Item No	Interest
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))
	Protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))
	In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to Tikanga Māori, or to avoid the disclosure of the location of waahi tapu (Schedule 7(2)(ba))
	Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

Appendix 3: Motions and amendments (option A)

Motions without amendments

Motions with amendments



Appendix 4: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 5: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 6: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting;
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

The Chairperson may permit members to leave their place while speaking.

Priority of speakers

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other

- ii. the member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting
- iii. the requirements of Part 7 of LGOIMA are met
- iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will undertaken by the deputy chair or a member who is physically present

Appendix 7: Mayors' powers to appoint under s.41A

The role of a Mayor is:

- (a) to provide leadership to councillors and the people of the city or district.
- (b) to lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The Mayor has authority to:

- (a) Appoint the deputy Mayor.
- (b) Establish Council committees, their terms of reference, appoint the Chairperson of each of those committees and the members.
- (c) Appoint themselves as the Chairperson of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- (a) Remove a deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a committee established by the Mayor.
- (c) Discharge a committee Chairperson who has been appointed by the Mayor.

The Mayor is a member of each committee of the Council.

Appendix 8: Process for removing a Chairperson and deputy Mayor from office

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its Chairperson, deputy Chairperson, or deputy Mayor from office.
2. If a Chairperson, deputy Chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new Chairperson, deputy Chairperson, or deputy mayor at that meeting.
3. A meeting to remove a Chairperson, deputy Chairperson, or deputy Mayor may be called by:
 - (a) a resolution of the territorial authority or regional council; or
 - (b) a requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) indicate whether or not, if the Chairperson, deputy Chairperson, or deputy Mayor is removed from office, a new Chairperson, deputy Chairperson, or deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson, deputy Chairperson, or deputy Mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 9: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) a resolution of the local authority or its committees
- (b) the Mayor,
- (c) a committee Chairperson or
- (d) the chief executive.

Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) state that the meeting is a workshop
- (b) advise the date, time and place
- (c) confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

Appendix 10: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

Appendix 11: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- report of chief executive
- report of a Chairperson
- report of a committee
- report of a community and/or local board
- notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- report of chief executive
- report of Chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

4.3 CODE OF CONDUCT

File Reference: PAD 3

Authoriser: Toni Morrison, Projects & Administration Manager

Attachments: 1. Code of Conduct

STAFF RECOMMENDATIONS

1. That the report be received.
2. That the attached Code of Conduct be noted.

BACKGROUND

All Councils are required to have a Code of Conduct. Under the Local Government Act 2002 (LGA), 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 document, 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. (Clause 15 Schedule 7 LGA)

All members of the Council are required to comply with the code of conduct.

The Council has a current code of conduct which remains in force until such time as any amendment is adopted. Any amendments are only able to be made by a vote in support of the amendment of not less than 75% of the members present.

Local Government New Zealand (LGNZ) recently proposed a new code of conduct which staff have not yet had time to fully review. It contains much of the same information but also some additional requirements such as detailed procedures for breaches of the code. It is proposed that the Council continue to operate under the present code of conduct until such time as the new code can be workshopped and reviewed.

CONCLUSION

The Council presently has a code of conduct which applies to all members. It is proposed that further workshops are undertaken on the proposed new code which can then be presented for adoption at a future meeting.

WAYNE BARNETT

CHIEF EXECUTIVE OFFICER

MACKENZIE DISTRICT COUNCIL**CODE OF CONDUCT FOR ELECTED MEMBERS****Introduction**

This code records in a straightforward style, the manner in which the Mayor and Councillors of the Mackenzie District Council have agreed they will act in their role as elected members. It is really a simple matter of good governance and good manners.

The code is designed to enhance:

- the effectiveness of the Mackenzie District Council
- its credibility and accountability with the people of the Mackenzie
- trust, respect and tolerance among its elected members and between elected members and management.

Good Governance

Elected members will best serve the people of the Mackenzie if they:

- act in the public interest of the district as a whole
- behave with honesty and integrity
- are objective in their decision making.
- remain accountable to the public for their actions.
- are open and are prepared to justify their actions and those of Council
- exercise their personal judgment after taking into account the views of others
- show respect for others
- uphold the law
- provide sound stewardship
- and exercise leadership.

Relationships with other members

Elected members of the Mackenzie District Council will:

- maintain public confidence in the office they have been elected to
- be open, honest and courteous in all their dealings
- undertake their duties thoroughly and conscientiously
- focus on issues rather than personalities
- abide by standing orders and the rulings of the chair
- avoid aggressive, offensive or abusive conduct.

Relationships with staff

Elected members of the Mackenzie District Council recognise that the effective performance of the Council depends on high levels of cooperation and trust between staff and elected members.

To this end, members will:

- recognise the role that the Chief Executive Officer has as the employer, on behalf of the Council, of all other staff. This includes the tasks of hiring, dismissing, instructing or censuring any employee
- make themselves aware of the requirements the Council and the CEO have as employers and observe these requirements at all times
- understand the different but complementary roles elected members and staff have to play in Council
- be open, honest and courteous in all their dealings with staff
- avoid aggressive, offensive or abusive conduct
- do nothing that compromises or appears to compromise the impartiality of any employee
- avoid any public criticism of employees, particularly in any way that reflects upon their competence or integrity

- raise any concerns about employees only with the CEO and concerns about the CEO only with the Mayor.

Relationships with the Community

The success of the Mackenzie District is dependent upon productive relationships between the Council and the Community.

To foster this relationship, elected members will:

- ensure that individual citizens, when they have dealings with Council, are treated with courtesy and respect, have their concerns listened to and acted upon in accordance with the provisions of the Local Government Act 2002
- ensure that the community is well informed about issues that the Council is dealing with
- seek out the views of the community on matters of substance
- act in a way that encourages and values participation in local democracy.

Contact with the Media

Elected members, in their dealings with the media:

- will recognise the Mayor's role as the primary Council spokesperson and key media contact
- may express a personal view on any matter, without implying that that is the official Council view and without attempting to publicly relitigate any matter that has already been debated and decided upon.

Confidential Information

Elected members of the Mackenzie District Council will:

- recognise that some information that they obtain in the course of their duties as elected members will have to be treated as confidential
- respect the confidentiality of such information and not use or disclose it for any purpose other than that for which it was supplied to them.

Conflicts of Interest

Elected members of the Mackenzie District Council will:

- maintain a clear separation between their personal interests and their duties as elected members
- ensure they act in such a way that is, and is perceived to be, free from bias
- abide by the requirements of the Local Authorities (Members' Interests) Act 1968 affecting financial interests
- meet other legal requirements concerning non-financial conflicts of interests
- annually make a general declaration of interests held, details of which shall be recorded in a register of interests held by the Council's Chief Executive Officer.

Note:

In cases of doubt as to conflicts of interest, advice should be immediately sought from the CEO. The Audit Office can also be consulted in cases where the member suspects they may have a pecuniary interest. An exemption may be allowed in certain circumstances provided the member obtains it in advance of any action.

Apologies and Leave of Absence

Where members cannot attend meetings, they should lodge an apology with the Committee Secretary beforehand.

Leave of absence should be sought from the Council, Board or Committee where such absence is known of well in advance.

Where an extended period of leave of six weeks or more is sought, such leave should be applied for without pay and the member's salary be foregone for that period.

Ethics

Elected members of the Mackenzie District Council will maintain the highest standards of ethical conduct.

In particular elected members will:

- claim only legitimate expenses as laid down by any determination of the Remuneration Authority or any Council policy relating to such determination

- not influence, or attempt to influence, any council employee to take actions that may benefit the member, or the member's family or business interests
- not use Council resources for personal business (including campaigning)
- not solicit, demand or request any gift, reward or benefit by virtue of their position
- notify the CEO if any gift is accepted.

Where a gift to the value of \$100 or more is offered to a member, immediately disclose this to the CEO for inclusion in a publicly available register of interests.

Disqualification from Office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years imprisonment, if they cease to be or lose their status as an elector or if they commit certain breaches of the Local Authorities (Members' Interests) Act 1968.

Bankruptcy

Local authorities, when adopting a code of conduct are required to determine whether or not they will require members to declare whether they are an undischarged bankrupt.

The Mackenzie District Council believes that bankruptcy raises questions about the soundness of a person's financial management skills and their judgment in general. It therefore requires elected members who are declared bankrupt to notify the CEO as soon as practicable after being so declared.

Compliance

The Local Government Act 2002 states that all members of the Mackenzie District Council are bound by this code once it has been adopted by Council.

Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. Members will have had a short explanation of these Acts at the first meeting following the last election and copies can be obtained from the CEO.

The Appendix to this Code briefly explains how each of these Acts impacts upon the conduct of elected members.

The Council itself will monitor compliance with this Code. Any alleged breach should be made in writing to the CEO in the first instance, make a specific allegation of a breach of the code of conduct and provide corroborating evidence. The CEO will refer the matter to an independent person of standing in the community, who will investigate the alleged breach and produce a report for the consideration of the Council. Before beginning any investigation, the independent person will notify the elected member(s) in writing of the complaint explaining when and how they will get an opportunity to put their version of events.

The Council will consider the report in open meeting, except where the alleged breach relates to the misuse of confidential information or could impinge upon the privacy of a Councillor, member of staff or of the general public.

Responses to Breaches of the Code

The exact nature of the action the council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authority (Members Interests) Act 1968
- breaches which result in the council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the council may take the following action:

- censure
- removal of the elected member from council committees and / or other representative type bodies
- dismissal of the elected member from a position as Deputy Mayor or Chair of a committee.

A decision to apply one or more of these actions requires a council resolution to that effect.

Review

Once adopted, a code of conduct continues in force until amended by the council. The code can be amended at any time but cannot be revoked unless the council replaces it with another code. Once adopted, amendments to the code of the conduct require a resolution supported by 75 per cent or more of the members of the council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to council for their consideration and vote.

APPENDIX TO THE CODE: LEGISLATION BEARING ON THE ROLE AND CONDUCT OF ELECTED MEMBERS

This is a summary of the legislation requirements that have some bearing on the duties and conduct of elected members. Copies of these statutes can be obtained from the Chief Executive Officer.

Local Authority (Members' Interests) Act 1968

This Act* regulates situations where a members' personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has pecuniary interest.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meeting procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the chair has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another councilor is speaking
- be disrespectful when they refer to each other or other people

- * The Audit Office publication Financial Conflicts of Interests of Members of Governing Bodies (2001) provides further guidance on this Act
- use offensive language about the council, other councillors, any employee of the council or any member of the public.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to council.

If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or fined up to \$1000, or both. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of council
- use information gained in the course of their duties for their, or another persons, monetary gain or advantage.

These offences are punishable by a term of imprisonment of 7 years or more. Elected members convicted of these offences will also be automatically ousted from office.

Securities Act 1978

The Securities Act 1978 essentially places elected members in the same position as company directors whenever council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

4.4 APPOINTMENT OF COUNCIL COMMITTEES AND CHAIRS**File Reference: PAD 4****Authoriser: Graham Smith, Mayor****Attachments: 1. Council and Committee Terms of Reference****PURPOSE OF REPORT**

To notify the Council of the establishment of seven standing Committees and one subcommittee, and the appointment of Chairpersons for each of those Committees, pursuant to section 41A of the Local Government Act 2002; and to delegate appropriate powers to those committees to allow them to carry out their functions.

STAFF RECOMMENDATIONS

1. That the report be received.
2. That the Council notes that the Mayor has established the following committees and appointed the following members to those committees, pursuant to s41A of the Local Government Act 2002:
 - (a) Strategy Committee – Committee of the whole Council
 - (b) Assets and Services Committee – Committee of the whole Council
 - (c) Planning and Regulatory Committee - Committee of the whole Council
 - (d) Audit and Risk Committee - Committee of the whole Council
 - (e) Finance Committee - Committee of the whole Council
 - (f) Forestry Committee – the Mayor, Cr Munro, Cr Clarke, and Cr Barwood
 - (g) Pukaki Airport Board Committee – Cr Leslie, Derek Kirke, Rick Ramsay, and one other to be appointed.
3. That the Council notes that pursuant to s41A of the Local Government Act 2002, the Mayor has established the Tekapo Property Group as a subcommittee of the Finance Committee, with the following membership: the Mayor, Cr Leslie, Cr Armstrong, Stella Sweney, and Ritchie Smith.
4. That the Council notes the appointment of the following Chairs to each committee:
 - (a) Strategy Committee – Cr Leslie
 - (b) Assets and Services Committee – Cr Barwood
 - (c) Planning and Regulatory Committee - Cr Munro
 - (d) Audit and Risk Committee – Cr Leslie
 - (e) Finance Committee - The Mayor
 - (f) Forestry Committee – The Mayor
 - (g) Pukaki Airport Board Committee –Derek Kirke
5. That pursuant to clause 32(1) of Schedule 7 of the Local Government Act 2002, the Council

delegates to each committee all powers necessary to effectively carry out the committees' terms of reference and scope, excluding those reserved to Council, as set out in the attached *Council Functions and Committee Terms of Reference*.

BACKGROUND

Powers of the Mayor

Section 41A of the Local Government Act provides that the Mayor may establish committees of Council (including subcommittees) and appoint members to those committees. The Mayor may also appoint the Chairs of each committee.

Powers of Council in relation to the Establishment of Committees

As well as providing the Mayor with powers to establish committees and appoint chairpersons, s41A also provides that the Council is not prevented from discharging any such committee, or discharging a chairperson appointed by the Mayor, as follows:

(4) However, nothing in subsection (3) limits or prevents a territorial authority from—

...

(b) discharging or reconstituting, in accordance with [clause 30](#) of Schedule 7, a committee established by the mayor under subsection (3)(b); or

(c) appointing, in accordance with [clause 30](#) of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or

(d) discharging, in accordance with [clause 31](#) of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).

Section 41A(4) LGA 2002

Delegations to Committees

Proposed terms of reference are attached for each committee. The Council is asked to delegate powers to enable the committees to fulfil their functions as set out in those terms of reference.

Meetings

It is proposed that the Strategy, Audit and Risk, Forestry and Pukaki Airport Committees meet on a quarterly basis, or as required. Tekapo Property Group subcommittee will meet as required. All other Committees are proposed to meet 6-weekly. The Council will be asked to approve a proposed schedule of meetings for 2017 in a separate item.

POLICY STATUS

N/a.

SIGNIFICANCE OF DECISION

These decisions are considered to be important decisions. They are however not significant in terms of the Council's Significance and Engagement Policy.

OPTIONS

There is no legal requirement to establish committees, and the Council could instead have all business go to full Council. The establishment of committees is considered to provide a more efficient and effective approach for the Council in exercising governance responsibilities. It provides an opportunity for sharing the workload of the Council amongst different committees and chairs, and allows for particular expertise where individual committees are concerned, for example individual chairs may have skills or interest in the work of a particular committee.

Adopting a committee structure provides an ability to focus on particular issues and allows for more detailed consideration of those issues. Establishing committees also assists in the requirement to have appropriate separation between the Council's strategy and policy development functions, its role in monitoring finances and operational performance, and its role in regulatory matters. Committees also provide an opportunity to include non-Council members where their expertise will assist or is otherwise of benefit, where particular matters are being debated or considered.

The Council could choose not to adopt the terms of reference for each committee as set out in the attachment. It would have to consider what amendments if any were appropriate. The terms of reference are largely based on previous Council committee terms, which have proven to work well for each committee in the past.

CONSIDERATIONS**Legal**

The appointment and delegations set out above are provided for in the Local Government Act 2002.

Financial

The work of each committee will be provided for in the Council's annual plans and budgets.

Other

N/a.

CONCLUSION

The Mayor wishes to exercise the powers given under s41A of the Local Government Act and establish a committee structure consisting of seven committees of Council, and one further subcommittee. Formal delegations to each of those committees and the subcommittee are also outlined.

WAYNE BARNETT

CHIEF EXECUTIVE OFFICER



MACKENZIE DISTRICT COUNCIL

Council functions and Committees' Terms of Reference

Adopted date: **31 October 2016**

Relationship of Committees with Council functions
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The following general powers are reserved for Council:

- Any power reserved to the full Council by operation of law, including:
 - a) the power to make a rate
 - b) the power to make a bylaw; or
 - c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
 - d) the power to adopt a long-term plan, annual plan, or annual report; or
 - e) the power to appoint a chief executive; or
 - f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or
 - g) the power to adopt a remuneration and employment policy.
- Creation of subcommittees, other than those implicit in the terms of reference for a standing committee.
- Governance processes, including electoral matters and representation review.
- Consideration of matters relating to significant new activities or areas of involvement such as infrastructure which are not the responsibility of a specific committee.
- Provide leadership on key issues that require a collaborative approach between a number of parties.
- Relationships with Community Boards.
- The Council's cultural relationship with Te Runanga O Ngai Tahu (TRONT).
- Develop, adopt and implement the Triennial Agreement and the Code of Conduct.
- Consider and agree on matters relating to elected members' remuneration matters.
- Chief Executive Officer appointments and contracts.
- Approve all delegations to the Chief Executive, including the authority for further delegation to staff.
- Receive and consider recommendations and matters referred to it by its committees, joint committees, subcommittees and working parties.
- Approve membership to external bodies and organisations, including Council Controlled Organisations.
- Exercise the powers and duties conferred on Council by the Public Works Act 1981, including receiving and considering reports on proposals under this Act from the Assets & Services Committee.
- Consideration of major projects¹.
- Approval of the sale, purchase, or disposal of any Council property, land or buildings.
- Review and adopt policy and practice in respect of governance.
- Monitor and review Council's facilitation role in economic development and tourism, including development and monitoring of economic development strategies as appropriate.
- Liaison with and monitoring of Christchurch & Canterbury Tourism.

¹ Guidance note: this includes discretionary or large-scale commercial proposals such as sports and aquatic centres, but would not include core infrastructure or service projects such as water supplies.

Delegations from Council to Committees

- Council delegates to each standing committee all powers necessary to effectively carry out the committee's terms of reference and scope, excluding those reserved to Council.
- Delegations for subcommittees are set out under each subcommittee's terms of reference and scope.
- Full Council has a role to monitor the functioning of, and performance of delegated powers by, all committees.
- Full Council will consider matters not within the delegation of any one Council committee.
- Full Council may at any time, revoke or modify a delegation to a Council Committee, either permanently, for a specified time or to address a specific matter, if it considers there is good reason to do so.
- The delegations provided to committees may be further delegated to subcommittees unless the power of further delegation is restricted by Council or by statute.

1. Strategy Committee

The purpose of this Committee is to set the strategic direction for the Council and the District by formulating policy that clearly identifies Council's role and direction on issues. This Committee will develop, evaluate, approve and monitor the implementation of strategic policy. It will also oversee and monitor the Long Term Plan programme.

Terms of Reference:

Strategic Direction

- Identification and assessment of significant strategic district issues and initiatives.
- Identification and review of Council's strategic objectives and community outcomes.
- Monitoring of the implementation / progress towards the achievement of strategic objectives and priorities.

External Advocacy

- Advocacy on matters pertaining to strategic directions, to central government and other relevant agencies.

Long Term Plan

- Oversight of the Long Term Plan project, including monitoring the progress of Long Term Plan preparation.

Membership

The Strategy Committee will be a standing committee of all Councillors and the Mayor.

Quorum

The quorum shall be 4 members.

Chair

The Chair will be nominated by the Mayor.

Meetings

The Strategy Committee will meet on a quarterly basis or as required.

2. Planning and Regulatory Committee

The purpose of this Committee is to govern all planning and regulatory functions of the Council. This includes the development of bylaws and all resource management, health, sale and supply of alcohol, civil defence/emergency management, parking, legal disputes, animal control, and building functions.

Terms of Reference:

- To develop and approve Council's regulatory policies, and review as appropriate and necessary.
- To develop district bylaws and recommend them for Council approval, and review as appropriate and necessary.
- To consider any reports relating to any regulatory functions of the Council.
- To consider reports relating to any environmental monitoring.
- To ensure that Council meets all compliance requirements relating to its regulatory responsibilities.
- To oversee and monitor the activities of the Mid-South Canterbury Rural Fire District Committee.
- To approve contracts relating to the responsibilities of the Committee.

The scope of this Committee includes:

- Resource Management Act administration.
- Statutory administration of the District Plan.
- To initiate and progress any change to or review of the District Plan under the Resource Management Act.
- Review of changes to central government policy or laws affecting Council's regulatory and policy functions; review of regulatory or planning documents and policies of external agencies (including Regional Policy Statements and Plans), and lodgement of responses/submissions as necessary.
- Regulatory policy and administration of regulatory functions (e.g. Gambling Class 4 Venue Policy, Local Alcohol Policy).
- Building control.
- Environmental health.
- Civil Defence Emergency Management planning and operations.
- Environmental policies and programmes.
- Animal and dog control.
- Parking control.
- Hearing and determining public hearings under the Dog Control Act and hearings related to road stoppages by the process of using accredited Councillors.
- To appoint Hearings Panels and/or Commissioners as appropriate/required.
- To further delegate the ability to appoint Hearing Commissioners or a Hearings panel to hear and decide notified or limited notified resource consent applications (for example to the Chair of the Committee & the Mayor).
- Approval of the SOI and budgets of the Mid-South Canterbury Rural Fire District Committee.
- The establishment of subcommittees or working parties as appropriate within the terms of reference / scope of the Committee.

Membership

The Planning and Regulatory Committee will be a standing committee of all Councillors and the Mayor.

Quorum

The quorum shall be 4 members.

Chair

The Chair will be nominated by the Mayor.

Meetings

The Planning and Regulatory Committee will meet on a 6-weekly basis or as required.

3. Assets and Services Committee

This Committee will have responsibilities for all Council-owned infrastructure, assets, operations and services. The purpose of the Committee is to ensure that Council services are delivered in an efficient and effective manner that meets the needs of its communities, and that Council protects its investment in infrastructural assets in accordance with accepted professional standards.

Terms of Reference:

- Monitoring progress and completion of capital, operations and services projects.
- Overseeing capital works contracts.
- Overseeing the development of, and approving Asset Management Plans and other operational or activity plans (e.g. Waste Management Plan, reserves plans).
- Development and approval of the three-yearly bid to NZTA for Roading financial assistance.
- Monitoring the risks and operational performance of the infrastructural asset services delivered by Council.
- Approving the vesting and disposing of infrastructural assets as a result of subdivision or capital works being undertaken.
- Ensuring that project management including procurement processes is appropriately undertaken and consistent with the Council's agreed processes.
- Approval of the Council's procurement plan.
- Review of plans, policies, and legislative changes of central government or other external agencies which may affect or impact on Council assets or the provision of services, and lodgement of responses/submissions as necessary.
- Consideration of any proposal for the taking or designation of land for any purpose, for approval by Council.
- Receive reports and consider and decide recommendations from Community Boards on matters within the scope of the Committee, including the approval of any additional or unbudgeted expenditure sought by Community Boards.
- Approval of contracts relating to the responsibilities of the Committee.

The scope of this Committee includes:

- Transportation & roading
- Water supplies
- Sewerage and wastewater treatment
- Stormwater collection and management
- Public toilets
- Solid & hazardous waste management
- Active recreation (including indoor recreation and sports facilities)
- Public open space and reserves management, landscaping
- Library services
- Community development, including development and implementation of social policies and other local public services
- Civic awards and Mayoral Certificates of Recognition
- Administration of Council's grants programmes
- Cemeteries and burials
- Community halls
- Pensioner housing

- The establishment of subcommittees or working parties as appropriate within the terms of reference / scope of the Committee.

Membership

The Assets and Services Committee will be a standing committee of all Councillors and the Mayor.

Quorum

The quorum shall be 4 members.

Chair

The Chair will be nominated by the Mayor.

Meetings

The Assets and Services Committee will meet on a 6-weekly basis or as required.

3. Audit and Risk Committee

The purpose of the Audit and Risk Committee is to provide governance and oversight of the effectiveness of risk management and internal control systems, including internal audit and external audit relationships.

Terms of Reference:

- Monitor the Council's external and internal audit process.
- Consider and make recommendations to the Council on:
 - a. The robustness of the internal control framework and financial management practices;
 - b. The integrity and appropriateness of internal and external reporting and accountability arrangements;
 - c. The robustness of risk management systems, processes and practices;
 - d. The independence and adequacy of external audit functions;
 - e. All financial reporting obligations;
 - f. Compliance with applicable laws, regulations, standard and best practice guidelines; and
 - g. The establishment and maintenance of controls to safeguard the Council's financial and non-financial assets.
- Discuss, with the external auditor, matters affecting the annual financial and non-financial statements and the annual audit.
- Monitor existing corporate policies and recommend new corporate policies to prohibit unethical, questionable or illegal activities.
- Support measures to improve management performance and internal controls.
- Ensure the quality of internal and external reports of financial and non-financial information.
- Review the performance of the Chief Executive Officer.

Scope:

- Recommend the approval of the annual external audit proposal.
- Liaison with Council's external auditor:
 - a. at the start of each audit, confirm the terms of engagement with the external auditor including the nature and scope of the audit, timetable and fees;
 - b. approve the external audit engagement letter and letter of undertaking and any additional services to be provided by the external auditor;
 - c. receive the external audit report(s) and review action to be taken by management on significant issues and audit recommendations raised within;
 - d. conduct a members only session (i.e. without any management present) with external audit to discuss any matters that the auditors wish to bring to the committee's attention and/or any issues of independence.
- Internal Control Framework:
 - a. review whether management's approach to maintaining an effective internal control framework is sound and effective;
 - b. review whether management has taken steps to embed a culture that is committed to probity and ethical behaviour;
 - c. review whether there are appropriate systems, processes and controls in place to prevent, detect and effectively investigate fraud.
- External Reporting and Accountability:

- a. agree the appropriateness of the Council's existing accounting policies and principles and any proposed change;
 - b. enquire of external auditors for any information that affects the quality and clarity of the Council's financial statements and statements of service performance, and assess whether appropriate action has been taken by management in response to the above;
 - c. satisfy itself that the financial statements and statements of service performance are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal control (i.e. letters of representation), and recommend to the Finance Committee the signing of the financial statements by the Chief Executive/Mayor and adoption of the Annual report.
- Oversee the Council's systems, processes, and practices for risk management:
 - a. review whether management has in place a current and comprehensive risk management framework and associated procedures for effective identification and management of the Council's significant risks;
 - b. consider whether appropriate action is being taken by Management to mitigate Council's significant risks.
 - Consider matters relating to the performance of the Chief Executive Officer, including annual performance review.
 - Review insurance arrangements annually.
 - Monitor insurance claims.
 - Review all audit reports of Council activities, including (but not limited to) building control authority audit reports, National Rural Fire Authority audit reports, Long Term Plan audit, and any other external audits.

Membership

The Audit and Risk Committee will be a standing committee of all Councillors and the Mayor.

Quorum

The quorum shall be 4 members.

Chair

The Chair will be nominated by the Mayor.

Meetings

The Audit and Risk Committee will meet on a quarterly basis or as required.

4. Finance Committee

The purpose of this Committee is to govern the financial and corporate business of the Council. This Committee will be responsible for the monitoring of the Council's financial position, ensuring the complete reporting of all financial and non-financial information and performance measures against the Annual Plan and LTP, and the development of policy relating to corporate processes.

Terms of Reference:

- Development and monitoring of Annual Plans and Annual Reports.
- To monitor and report the overall financial performance of the Council and its achievement of LTP objectives.
- To monitor the overall performance of Council organisations, including Council-controlled organisations (CCOs), but not including Tourism and Economic Development or the Mid-South Canterbury Rural Fire District Committee.
- To develop policy relating to published financial statements and accounting standards of the Council.
- To monitor all funding and rating matters and develop related policy.
- To monitor all Council's property and commercial operations/investments and develop related policy.
- Development and monitoring of financial policies and overall financial performance, including expenditure, contract compliance and negotiations relating to the purpose and scope of the Committee.
- To review annual financial statements prior to Council adoption and ensure disclosures are in accordance with statutory requirements and consistent with best practice.
- Review of plans, policies, and legislative changes of central government or other external agencies that may affect or impact on the areas of responsibility for this Committee, and lodgement of responses/submissions as necessary.
- Approval of contracts within the delegated authority of the Committee.

The scope of this Committee includes:

- Approving the Council's fees and charges.
- Investigating and recommending to Council the sale, purchase, or disposal of any Council property, land or buildings.
- Preparing the Annual Report and carryovers.
- Receiving and considering reports from the Tekapo Property Group subcommittee, actioning as appropriate any recommendations of that subcommittee that fall within the terms of reference of this Committee, or making a recommendation to Council on functions reserved to Council.
- Managing investments, accounting, and loans.
- Review and approval of Statements of Intent and Business Plans of CCOs and other Council organisations.
- Deciding any applications for remissions of rates or rates penalties.
- Monitoring/maintaining an overview of unbudgeted expenditure authorised by other Committees of Council, and seeking information as necessary/appropriate.

- The establishment of subcommittees or working parties as appropriate within the terms of reference / scope of the Committee.
- The appointment and removal of members of the Tekapo Property Group subcommittee, subject to the terms of membership set for any subcommittees by Council.

Membership

The Finance Committee will be a standing committee of all Councillors and the Mayor.

Quorum

The quorum shall be 4 members.

Chair

The Chair will be nominated by the Mayor.

Meetings

The Finance Committee will meet on a 6-weekly basis or as required.

Subcommittees of the Finance Committee

4.1 Tekapo Property Group

This purpose of the Tekapo Property Group is to progress the development of the lakefront land commonly known as VC1 and VC2 land, and other Council owned land at Tekapo, that will allow Tekapo township to grow and develop. It is a subcommittee of the Finance Committee, a standing Committee of Council.

Terms of reference

The subcommittee shall action or undertake the following:

- a) Develop appropriate plans, concepts and prepare the appropriate design and planning work necessary for a high quality development of Council land at Tekapo.
- b) Undertake the necessary consultation with interested parties in relation to the Council land and endeavour to achieve the aims of all parties by conciliation and negotiation. This consultation will include situations where the decision required to be made by the Tekapo Property Group may not provide a financial return but will demonstrate a strong corporate citizen ethic.
- c) Seek appropriate legal and professional advice.
- d) Ensure all statutory requirements are met as well as ensuring all ethical and moral issues that arise are dealt with in a professional and transparent manner.
- e) Establish the pricing for the sale of land, maximising Council's returns as far as practicable.

Delegations

The subcommittee has all powers necessary to effectively carry out its terms of reference and scope, including the following delegations:

- a) The authority to commit the Council to defined contract items to the value of \$10,000 (Ten Thousand Dollars + GST) without the need to consult with the Finance Committee.
- b) Negotiate to the stage where agreement can be signed. The Finance Committee retains oversight of any contracts for sales, and will consider and recommend approval of any contracts to Council.

Despite the above, the subcommittee must obtain approval from the Council via the Finance Committee for all contracts over the value of \$10,000.

Reporting

The Tekapo Property Group is required to report to the Finance Committee on a quarterly basis but more frequently where delegation authorities are proposed to be exceeded.

Member Remuneration

All members of the Subcommittee will be eligible for mileage claims as paid to Council elected members.

Membership

The Subcommittee will be made up of not less than five members, the majority of whom shall be Councillors and one of whom shall be the Chairperson of the Finance Committee; and other appointments as decided by the Finance Committee.

Chair

The Chair will be elected by the subcommittee.

Finances

By the 28th February in any year the Tekapo Property Group will outline its projected expenditure and revenues for the coming 12 month budget period ending 30 June for the Council. Funding will be allocated as per the budget process and will be ratified by the Council adoption of the budget.

Meetings

- a) The Tekapo Property Group should hold such meetings at such times at places as it shall from time to time appoint.
- b) Councillors who are not members of the subcommittee are entitled to attend all meetings, but do not have speaking or voting rights. The Chair may allow Councillors to speak by invitation.
- c) Tekapo Property Group agendas will normally be issued as Public Excluded due to the commercially sensitive information contained within them, as provided for in relevant legislation.

5. Forestry Committee

The purpose of the Forestry Committee is to provide governance and oversight in the management of the Council's forestry estate as a successful business and in accordance with the mission and business plan goals approved annually by Council.

Terms of Reference:

- Development, implementation and review of a long-term Forestry Strategy.
- Providing recommendations to Council for the sale/purchase of land to meet the strategy.
- Approval of the planting and harvesting programmes.
- Approval of the Annual Financial Budgets and physical targets.
- Approval of wood sale contracts.
- Approval of the Annual Operating Programme.

The scope of this Committee is as follows:

- In respect of matters requiring financial input, the Committee's powers are limited to the extent that provision has been made in the Annual Budget.
- In respect of matters for which no provision or insufficient provision has been made in the Annual Budget, these will be dealt with by way of recommendation to the full Council.
- Any changes to the plan and planting/harvesting or operational programmes that will result in a financial impact of greater than 20% of budgeted revenue will be reported to the Council prior to implementation. Such changes will take a form of a recommendation to Council, which will not unreasonably withhold authority for such changes.
- The Committee shall work to its Forestry Strategy which it shall review at three-yearly intervals and present to Council for approval.
- The Committee shall prepare a draft business plan annually for the Committee's forestry activities, covering each financial year and the succeeding two years, for approval by Council.
- The Committee shall report to the Council at least three times a year, as follows: An interim report by the end of February, a draft business plan by the end of April and a Year End report by the end of August.
- The Committee may appoint sub-committees, and give those sub-committees power to act.
- The Committee may further delegate such powers as it thinks fit to Officers of the Council, the forester and the forestry manager.
- Powers must be exercised within the framework of Council's stated policies.
- The agendas/minutes for all Committee meetings must be distributed to all members of the Council.

Membership

The number of Committee members shall be no fewer than three or more than five. The Committee shall have a minimum of two Councillors.

Quorum

The quorum shall be three members, one of which must be a Councillor.

Chair

The Chair will be nominated by the Mayor. If the Mayor does not nominate a Chair, the Committee may elect one of their number as Chair.

Meetings

The Committee will meet no less than quarterly.

6. Pukaki Airport Committee

The Mayor has established a Pukaki Airport Committee, to be known as the Pukaki Airport Board. The purpose of the Committee is to provide governance and oversight to the development and management of the Pukaki Airport on behalf of the Council. The role of the Committee is to ensure the efficient management, operation and development of the Pukaki Airport as a commercially viable public airport.

Terms of Reference and Scope of the Committee:

1. Delegation

The Council delegates to the Pukaki Airport Committee all of the powers necessary for the development, operation and management of the Pukaki Airport subject only to the following limitations:

- i. The Committee shall act in accordance with its annual business plan which shall be presented to Council for approval in February, each year.
- ii. The Committee is required to comply with the Council's statutory limitations on delegations to a committee.
- iii. To maximize the Committee's flexibility, the Council delegates to the Committee the power to do anything precedent to the exercise by Council (after consultation with the Committee) of powers to set rates for airport land, to make a bylaw affecting airport operation or to acquire or dispose of significant airport assets.

2. Reporting to Council

The Committee will report formally to Council twice a year, in February and August.

3. February Report

The February report shall include a draft business plan for Council approval for the upcoming 3 years. The Council will endorse and adopt the agreed plan no later than 1 May of each year. The plan will include:

- A statement of objectives/intentions and Budget forecasts.
- A projected statement of financial performance and cash flows
- A projected statement of key performance measures for the upcoming year
- Such other information as the Committee considers necessary for Council to approve the plan.

The February report will also provide an interim report to Council containing:

- A Statement of Financial Performance for the six-month period to 31 December.
- An abbreviated Statement of Financial Position and a commentary on activities.

4. August Report

An Annual Report will be presented to Council each August, and will include:

- The Statement of Financial Performance, Financial Position, and Cash flows, and
- A review of actual performance measured against Key Performance Indicators (KPIs) and a commentary on the year's activities including such other information as the Committee considers necessary for Council to make an informed judgment about the Committee's performance during the past year.

5. Financial Limitations

Significant items of expenditure will be outlined in the Committee's annual business plan or otherwise reported to Council before being actioned.

As a guideline, items of expenditure greater than \$25,000 not included in the business plan budget forecasts should be first approved by Council.

6. Further reporting

Apart from the February and August reports mentioned above, the Committee shall advise Council on any significant developments that have not been covered by the business plan for the year.

The Council and the Committee will endeavour at all times to operate on a 'no surprises' basis.

7. Financial and Administrative Services

The Committee shall be free to determine whether it uses independent financial and administrative services or Council services. Decisions regarding this will be based around best business practice, and shall take account of cost, timeliness, and the detailed information required by the Committee for accounting purposes and for the efficient management of the business.

The Committee will consult with Council staff to ensure its financial reports meet the requirements of Audit New Zealand.

8. Repayment of Debt

The Committee will pay to Council the original cost of the airport land purchase and the capital borrowed for the airport subdivision, as soon as it is financially prudent to do so.

9. Formation of a Capital Reserve

The Committee recognises that the Council does not wish to invest additional capital into the airport.

Council acknowledges that all surpluses created from the sale of real estate and operating profits and any other airport activity shall be "ring-fenced". Those funds will be invested in an Airport Capital Reserve Fund and held for Pukaki Airport Committee use only, to fund airport operating expenses and airport capital expenditure requirements.

The Airport Capital Reserve fund will be managed in accordance with Council's internal financing policy.

10. Dividends

The proportion of operating surpluses returned to Council each year by way of dividend will be agreed between the Committee and Council at the time of consideration of the Statement of Intent.

11. Powers of Sub Delegation

The Committee may delegate any of its responsibilities, duties or powers to a subcommittee or person, subject to any conditions, limitations or prohibitions imposed by the Committee.

12. General

- Meeting procedures will be in accordance with Council's standing orders.
- The Committee will ensure that full and accurate minutes are kept of all proceedings at meetings of the Committee.
- Minutes of proceedings of the Committee, which have been signed as correct by the Chairperson, will be prime facie evidence of the proceedings.
- The quorum for any meeting of the Committee shall be three members. Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time the business is transacted.
- Every Committee member has one vote.

13. The Pukaki Airport Committee has delegation to manage all of its operating costs, which includes rates, insurance, and any taxes.

Membership

The membership of the Committee shall comprise four members appointed by the Mayor or by Council for their governance experience, commercial experience and/or aviation knowledge and one appointed Councillor.

Committee members will serve a staggered three-year term to ensure continuity of the Committee's operation.

The Council member of the Committee will be appointed following each triennial election of Council. Other members will retire by rotation but may offer themselves for reappointment if they so wish.

Quorum

The quorum shall be three members, one of which must be a Councillor.

Chair

The Chair will be nominated by the Mayor. If the Mayor does not nominate a Chair, the Committee may elect one of their number as Chair.

Meetings

The Committee will meet no less than quarterly.

4.5 METHOD OF VOTING FOR CERTAIN APPOINTMENTS**File Reference: PAD 4****Authoriser: Toni Morrison, Projects & Administration Manager****Attachments: Nil****STAFF RECOMMENDATIONS**

1. That the report be received.
2. That the Council determine that the election of Council representatives to joint committees and external agencies is made using System B (the first past the post system), pursuant to Clause 25 of Schedule 7 of the Local Government Act 2002.

BACKGROUND

The Local Government Act provides for two alternative systems of voting for the election or appointment of representatives of a local authority on joint committees or other bodies. The first option (System A) is to determine that all such appointments should be made by a majority of those voting. This may require several rounds of voting after which the least successful candidate from an earlier round is eliminated from the next round of voting. The second option, System B, is to have a “first past the post” method with only one round of voting, where the highest polling candidate gets elected.

In both cases any ties are decided by lot.

System A, the system of majority decision making for these appointments, has the advantage of ensuring that those appointment or elected enjoy the support of the majority of their fellows and, as such, enjoy some sort of mandate.

However Mackenzie District Council is small, having only seven members. Given these small numbers, the prospect of having more than two candidates for election or appointment is much less than with a Council the size of (for example) Dunedin and Wellington cities which have 14 and 15 members respectively.

Majority voting might be seen as a safeguard against appointments been made on a split minority vote , but the prospect of that happening is not high. Previous councils have opted for a first past the post system.

CONCLUSION

Previously, Council supported the first past the post system. Staff recommend that be followed for this triennium.

WAYNE BARNETT**CHIEF EXECUTIVE OFFICER**

4.6 EXTERNAL APPOINTMENTS TO JOINT COMMITTEES AND OTHER ORGANISATIONS**File Reference:** STA 9/1**Authoriser:** Toni Morrison, Projects & Administration Manager**Attachments:** Nil**PURPOSE OF REPORT**

To make appointments to a number of committees and organisations.

STAFF RECOMMENDATIONS

1. That the report be received.
2. That the Downlands Joint Standing Committee be reconstituted subject to terms of reference adopted by Council on 4 August 2015.
3. That the Council appoint a representative from the Council to the **Downlands Joint Standing Committee:**
One Council appointee.....
4. That the Council appoint a representative from the Council to the
 - a) **Alps to Ocean Joint Committee:**
One Council appointee.....
 - b) **Canterbury Regional Transport Committee**
One Council appointee.....
 - c) **Upper Waitaki Zone Water Management Committee**
One Council appointee.....
 - d) **Orari Temuka Opihi Pareora Zone Water Management Committee**
One Council appointee.....
 - e) **Canterbury Waste Joint Committee**
One Council appointee.....
 - f) **Liquor Panel**
One Council appointee.....
 - g) **Mackenzie Scholarship Trust**
One Council appointee.....
 - h) **Aoraki Foundation**
One Council appointee.....
 - i) **South Canterbury Road Safety Trust and South Canterbury Road Safety Coordinating Committee**
One Council appointee.....
 - j) **South Canterbury Irrigation Trust**
One Council appointee.....
 - k) **Opihi Catchment Committee**
One Council appointee.....

I) Mid - South Canterbury Rural Fire District Committee

One Council appointee.....

5. That the Mayor and one other be appointed to the **Mackenzie District Licensing Committee** under the Sale and Supply of Liquor Act 2012.

Other Council appointee.....

6. That the following Rural Water Supply Committees be confirmed:

a) Allandale Water Supply Committee

N Campbell (Chairman), Stephen Whittaker, Tony Habraken, Simon Geary, Evan Williams, Andrew Johnson, Brian Tremewan and Stephen Adams.

b) The Ashwick/Opuha Water Races Ratepayers Committee

C McCarthy (Chairman), Paul Gallagher, Brian Tiffen, Stephen Gallagher, Evan Williams, Graeme Page, Chad Steetskamp, Noel McPherson, Stephen Whittaker, Alister Homes, Andrew McLaughlin.

c) The Kimbell Rural Water Supply Committee

Richard Davis (Chairman) plus all consumers.

d) School Road Water Race Ratepayers Committee

Keith Stanley (Chairman) Warren Barker, John Wright, Joe Harrison, Norm McConnell, Keith Walker, Peter Mills and Phil McCabe.

7. That the Mayor (or, in his absence, the Deputy Mayor) represent the Council at:

- The Canterbury Mayoral Forum
- Zone 5 of Local Government New Zealand
- Regional Civil Defence and Emergency Management Group
- Meetings of Alpine Energy Shareholders

WAYNE BARNETT

CHIEF EXECUTIVE OFFICER

4.7 ROLES AND DELEGATIONS TO COMMUNITY BOARDS**File Reference: PAD 5****Authoriser: Toni Morrison, Projects & Administration Manager****Attachments: 1. Roles and Delegations to Community Boards****PURPOSE OF REPORT**

To adopt the attached paper detailing how Council and Community Boards will fulfill their respective roles and recommend it to the Community Boards for adoption, and to provide delegations to the Community Boards under Clause 32 Schedule 7 of the Local Government Act 2002.

STAFF RECOMMENDATIONS

1. That the report be received.
2. That Council adopts the attached document 'Roles and Delegations to Community Boards' dated 31 October 2016 detailing how Council and Community Boards will fulfill their respective roles, and recommends it to the incoming Community Boards for adoption.
3. That pursuant to Clause 32 Schedule 7 of the Local Government Act 2002, the Council delegates the following powers and functions to the Fairlie, Tekapo and Twizel Community Boards:
 - (a) The ability to consider requests from local organisations for financial assistance in the form of grants, where budget exists for such matters and subject to no one grant exceeding \$1,000.
 - (b) The ability to appoint local representatives to organisations within the community board area and other organizations where local representation is requested.
 - (c) The ability to authorise, within approved budgets, board members' attendance at relevant conferences and/or training courses.
 - (d) The ability to recommend to Council whether or not Council should provide or withhold affected persons approval for planning applications on land adjoining Council owned land within the community board area.
 - (e) The ability to approve routine changes in policy affecting locally funded facilities within the community board area.

BACKGROUND

Community Boards have a particular role prescribed by section 52 of the Local Government Act 2002 (LGA), as follows:

S52 LGA: The role of a community board is to—

- (a) represent, and act as an advocate for, the interests of its community; and*
- (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and*

- (c) maintain an overview of services provided by the territorial authority within the community; and*
- (d) prepare an annual submission to the territorial authority for expenditure within the community; and*
- (e) communicate with community organisations and special interest groups within the community; and*
- (f) undertake any other responsibilities that are delegated to it by the territorial authority.*

As per subsection (f), in addition they may perform functions that are specifically delegated to them by Council. The attached paper explains this statutory role, and sets out a protocol for the Council-Community Board relationship and the expectations each party may have of each other. This protocol is based on similar agreements with previous Community Boards and works well in maintaining the positive relationship enjoyed by the Council with its Community Boards.

The specific delegations recommended above are the same as those previously given to Community Boards with one proposed amendment. Previously the Community Boards were able to themselves give affected person's approval under the Resource Management Act for activities affecting Council land, in the resource consent process. Staff recommend that this is amended so that the Boards are charged with making a recommendation to Council, but that Council retains the responsibility for providing this formal approval. It is rare that this circumstance arises, but the change would provide protection for the Community Boards in this type of legal decision making while ensuring they are able to express a view and make a recommendation. It also ensures that the Council is taking a consistent approach district-wide as a landowner.

POLICY STATUS

N/a.

SIGNIFICANCE OF DECISION

These are considered to be important decisions, but are not considered significant under the Council's Significance and Engagement Policy.

OPTIONS

Option 1: to adopt the attached paper 'Roles and Delegations to Community Boards' and recommend it to incoming Boards for adoption, and to approve the delegations outlined above.

Option 2: To make amendments to and adopt a revised paper and delegations.

Option 3: To not adopt the paper and delegations.

The attached paper is based on previous agreements with Community Boards and has worked well in the past. The delegations proposed are also the same as those previously delegated, with the one exception described above. These have supported the Community Boards in maximising their consideration of important local issues, and have enabled considered and strong advocacy and advice on matters of importance to Council. It has also been important to have clarity on the role of the Boards and the extent of their functions. For these reasons, Option 1 is recommended.

CONSIDERATIONS**Legal**

The role of Community Boards is outlined in section 52 of the LGA, and the specific delegations are provided for under Clause 32 Schedule 7 the LGA.

Financial

Community Board activities are provided for in Council's annual budgets and plans.

Other

N/a.

CONCLUSION

The Council is asked to adopt a paper outlining the roles and delegations to Community boards, and to formally resolve the delegations in accordance with the LGA.

WAYNE BARNETT

CHIEF EXECUTIVE OFFICER

ROLES AND DELEGATIONS TO COMMUNITY BOARDS

31 October 2016

Contents:

1. Introduction
2. Role of Community Boards
3. Other Legal Provisions
4. Public Comments
5. Delegations to Community Boards

1. INTRODUCTION

A community board has the status of an unincorporated body. It is not a local authority, or a committee of Council.

Section 52 of the Local Government Act 2002 sets out the role of community boards, as follows:

S52 LGA: The role of a community board is to—

- (a) represent, and act as an advocate for, the interests of its community; and*
- (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and*
- (c) maintain an overview of services provided by the territorial authority within the community; and*
- (d) prepare an annual submission to the territorial authority for expenditure within the community; and*
- (e) communicate with community organisations and special interest groups within the community; and*
- (f) undertake any other responsibilities that are delegated to it by the territorial authority.*

This paper covers the statutory role of community boards and how they may interact with Council, setting down the expectations each party should have of the other. The district has historically benefitted from the positive relationship between each Community Board and the Council, and this paper will help to ensure strong relationships are maintained.

The paper also contains the proposed delegations to the Community Boards, as per s52(f) above.

Both the expectations and the delegations are based on previous agreements with and delegations to Community Boards within the district.

2. ROLE OF COMMUNITY BOARDS

(a) Represent, and Act as an Advocate for, the Interests of its Community

Council Expectation

That community boards will have views on a range of matters of importance to their communities. On more significant issues, those views should be expressed to the Council by way of submission.

Council would expect community boards to express their collective views on matters contained in the annual plan and the long term plan. Community Boards may wish to comment on other key policy documents of council.

The community boards should, when wishing to advocate to outside agencies, work through the offices of the Council, its staff and elected members.

Community boards will take appropriate steps to consult with their communities to ensure that their advocacy is soundly based. Care must also be taken to canvas the views of non-resident ratepayers, especially when they comprise a sizeable proportion of the community.

Where the Council and a community board jointly deem an issue to be significant, Council would lead and fund the consultation process, but if the issue is specific to a community the relevant community board would meet the costs involved.

Community Board Expectation

That Council provides sufficient time and background information on an issue to assist boards in having full and considered input.

Appropriate staff support should be made available to assist with this process.

That community board views on a matter be given due consideration by Council when reaching a decision, particularly when the community is the only one affected by that decision.

(c) Consider and Report on All Matters Referred to it by the Territorial Authority, or any Matter of Interest or Concern to the Community Board.

Council expectation

Community boards need to respond to such requests in a considered way, with sufficient explanation given in reports for Council to understand the reasons behind their views. A bald resolution in support or opposition would not normally provide sufficient assistance to Council in its decision making.

The need for background information is of even more importance when the community board is raising a concern on its own initiative.

Attendance of a community board chairperson at the Council meeting to speak to the matter may often be helpful. The appointed Councillor also has an important role in explaining the reasoning behind a board's position.

Community Board expectation

If community boards are to comment meaningfully on any issue referred to them, they need details the background and context in which the issue sits. They need sufficient time in which to come to reasoned positions.

Community boards need to feel their comments are being taken seriously and the process involves more than just going through the motions of some superficial consultation.

If the issue to be decided is being workshopped by Council, board members should have the opportunity to attend such workshops.

Board members should have access to the same background material as has been prepared for consideration by the Council.

(d) Maintain an Overview of Services Provided by the Territorial Authority within the Community.

Council expectation

Community boards should assist the Council in providing feedback on the effectiveness of the services provided in meeting the needs of its particular community. Such services will include:

- litter control
- parks and reserves
- halls and community centres
- swimming pools
- township projects
 - community issues and initiatives.

All of these are funded locally.

Community boards should also provide comment and feedback on other services provided within their communities that are funded out of the General Rate or from other district wide sources. These will include the following:

- township roading, footpaths and street lighting
- water supply
- sewage treatment and disposal
- stormwater control
- refuse collection
- recycling and operation of resource recovery parks
- libraries
- cemeteries
- pensioner housing, and
- public conveniences.

The Council should receive feedback that is soundly based and not merely hearsay so that it can act upon it with some confidence.

If community boards wish to recommend the alteration of a level of service, they should also advise whether or not they are willing to accept the financial implications of such a change.

Community Board Expectation

That information is readily available upon levels of service that are to be provided and that factual reporting is given to boards to assist them with assessing performance.

That boards regularly receive up to date reports on the progress of works undertaken in the community.

That timely, accurate and understandable financial reports are made available to boards with appropriate commentary on exceptions to the approved budgets.

(e) Prepare an Annual Submission to the Council for Expenditure within the Community.*Council Expectation*

This should be a comprehensive submission based on a careful review of budgets.

The boards must, in recommending budgets, have regard to the need to abide by Council policies and to observe contractual commitments.

Advocacy from community board into the budgetary round should be supported by written reports and attendance of the Board Chairpersons at the appropriate Council meeting.

All expenditure within the community should be commented upon, not just that which is locally funded. Reasons behind a board position on particular items of expenditure should be provided.

Community Board Expectation

That sufficient staff assistance is provided to enable boards to understand and work through the preparation of a submission on draft budgets.

The opportunity to inspect proposed works should be provided. Adequate

time needs to be provided for the process to work well.

Reasons should be provided to a board if the Council is unable to accept all of its recommendations for expenditure.

(f) Communicate with Community Organisations and Special Interest Groups within the Community.*Council expectation*

Community boards should undertake this task in a systematic way by identifying groups that ought to be communicated with and devising appropriate means of communication.

Feedback on such communication should be reported back to boards and, where appropriate, to Council.

Community boards should undertake, on Council's behalf, liaison with specific groups when so requested.

Community Board Expectation

Boards should receive feedback from Council on any local concerns they have drawn to its attention as a result of communication between boards and community organisations and local interest groups.

(g) Undertake any other Responsibilities that are Delegated to it by the Council.*Council Expectation*

Any Council delegations must be exercised in compliance with Council policies.

Any delegations must have purely local effect.

Community board expectation

That any delegated powers are clearly spelt out so that board members know when they have the power to decide a matter, when they have the power to recommend a course of action and when they have the ability to comment on and issue or advocate for a point of view.

Appended below are the proposed delegations to the Community Boards.

3. OTHER LEGAL PROVISIONS

Delegations to Community Boards are undertaken pursuant to Clause 32 of Schedule 7 of the Local Government Act 2002. The Council must consider in deciding whether or not to delegate a power to a community board if the delegation would enable the community board to best achieve its role.

No power of delegation can give a community board the power to acquire, hold, or dispose of property. Neither can a community board have the authority to appoint, suspend or remove staff.

Only Council itself can:

- make a rate
- make a bylaw
- borrow money, purchase or dispose of assets, other than in accordance with the long-term plan.
- adopt the LTP, annual plan or annual report
- appoint the CEO
- adopt policies that are required to be done as part of the LTP or as part of a local governance statement.

There is the ability to delegate the power to do things before the Council, in consultation with the community board or other subordinate decision making body, exercises the powers listed above.

Community boards can sub-delegate powers delegated to themselves, subject to any conditions specified by the Council or by the board.

A community board does not have to refer back to the Council in exercising any powers delegated to it by the Council.

Enforcement, inspection, licensing and administration related to bylaws and other regulatory matters under the Local Government Act may be delegated to other councils, organisations and persons but not to community boards.

Even though it may have delegated a power, the Council is not relieved of the liability or legal responsibility to perform or ensure performance of any function or duty.

4. PUBLIC COMMENTS

It is normal for the Mayor to be the public spokesperson on behalf of the Council on policy and political matters. Similarly the Chairperson of a Community Board would act as a spokesperson for that Community Board.

Courtesy would require that the board chairpersons advise the Mayor of any comments they may be making and that the Mayor in turn advises board chairpersons of comments he may be making. That is particularly the case when the board and Council views may differ on an issue.

5. DELEGATIONS TO COMMUNITY BOARDS

It is recommended that the Fairlie, Tekapo and Twizel Community Boards are delegated the following responsibilities:

- The ability to consider requests from local organisations for financial assistance in the form of grants, where budget exists for such matters and subject to no one grant exceeding \$1,000.
- The ability to appoint local representatives to organisations within the community board area and other organizations where local representation is requested.
- The ability to authorise, within approved budgets, board members' attendance at relevant conferences and/or training courses.
- The ability to recommend to Council whether or not Council should provide or withhold affected persons approval for planning applications on land adjoining Council owned land within the community board area.
- The ability to approve routine changes in policy affecting locally funded facilities within the community board area.

4.8 MEETING SCHEDULE 2017**File Reference: PAD 1****Authoriser: Toni Morrison, Projects & Administration Manager****Attachments: 1. Meeting Schedule 2017****PURPOSE OF REPORT**

To advise Council of the Schedule of Meetings for the Mackenzie District Council and Council Committees for 2017.

STAFF RECOMMENDATIONS

1. That the report be received.
2. That the attached Schedule of Meetings for 2017 be adopted.

WAYNE BARNETT

CHIEF EXECUTIVE OFFICER

Mackenzie District Council Meeting Schedule 2017

All committee meetings are held in the Fairlie Council Chambers. Council meetings are held in either Twizel or Fairlie, and Tekapo Property Group meetings are held in the Tekapo Community Centre, Lake Tekapo. Fairlie Community Board meets in the Council Chambers. Tekapo Community Board meets in the Tekapo Community Hall, and the Twizel Community Board meets in the Twizel Events Centre Lounge.

Mackenzie District Council *(Starting at 9:30am)*

Tuesday 24 January (Fairlie)

Tuesday 07 March (Fairlie)

Tuesday 18 April (Twizel)

Tuesday 23 May (Fairlie)

Tuesday 27 June (Fairlie)

Tuesday 08 August (Twizel)

Tuesday 19 September (Fairlie)

Tuesday 31 October (Fairlie)

Tuesday 12 December (Twizel)

Asset and Services Committee *(Starting at 9:30am)*

Tuesday 14 February Thursday 16 February – Reserve Day

Tuesday 28 March Thursday 30 March -- Reserve Day

Tuesday 09 May Thursday 11 May – Reserve Day

Tuesday 13 June Thursday 15 June – Reserve Day

Tuesday 22 August Thursday 24 August – Reserve Day

Tuesday 03 October Thursday 05 October – Reserve Day

Tuesday 21 November Thursday 23 November – Reserve Day

Finance Committee *(Following the Asset and Services Committee)*

Tuesday 14 February Thursday 16 February – Reserve Day

Tuesday 28 March Thursday 30 March -- Reserve Day

Tuesday 09 May Thursday 11 May – Reserve Day

Tuesday 13 June Thursday 15 June – Reserve Day

Tuesday 22 August Thursday 24 August – Reserve Day

Tuesday 03 October Thursday 05 October – Reserve Day

Tuesday 21 November Thursday 23 November – Reserve Day

Planning and Regulation Committee *(Following the Finance Committee meeting)*

Tuesday 14 February	Thursday 16 February – Reserve Day
Tuesday 28 March	Thursday 30 March -- Reserve Day
Tuesday 09 May	Thursday 11 May – Reserve Day
Tuesday 13 June	Thursday 15 June – Reserve Day
Tuesday 22 August	Thursday 24 August – Reserve Day
Tuesday 03 October	Thursday 05 October – Reserve Day
Tuesday 21 November	Thursday 23 November – Reserve Day

Strategy Committee *(To be confirmed)*

Tuesday 14 February	Thursday 16 February – Reserve Day
Tuesday 09 May	Thursday 11 May – Reserve Day
Tuesday 22 August	Thursday 24 August – Reserve Day
Tuesday 21 November	Thursday 23 November – Reserve Day

Audit and Risk Committee *(To be confirmed)*

Tuesday 14 February	Thursday 16 February – Reserve Day
Tuesday 09 May	Thursday 11 May – Reserve Day
Tuesday 22 August	Thursday 24 August – Reserve Day
Tuesday 21 November	Thursday 23 November – Reserve Day

Mackenzie Forestry Board *(To be confirmed)*

Tuesday 28 March	Thursday 30 March -- Reserve Day
Tuesday 13 June	Thursday 13 June – Reserve Day
Tuesday 03 October	Thursday 03 October – Reserve Day
Tuesday 21 November	Thursday 23 November – Reserve Day

PUKAKI AIRPORT COMMITTEE *(To be confirmed)*

Wednesday 8 February
Wednesday 10 May
Wednesday 9 August
Wednesday 8 November

Tekapo Property Group *(Starting at 1pm)*

Tuesday 21 February
 Tuesday 04 April
 Tuesday 16 May
 Tuesday 20 June
 Tuesday 01 August
 Tuesday 12 September
 Tuesday 24 October
 Tuesday 05 December

Twizel Community Board *(Starting at 4.00pm)*

Monday 30 January
 Monday 13 March
 Monday 24 April
 Tuesday 6 June (to observe Queens Birthday)
 Monday 7 August
 Monday 18 September
 Monday 30 October
 Monday 4 December

Tekapo Community Board *(Starting at 4:00pm)*

Wednesday 01 February
 Wednesday 15 March
 Wednesday 26 April
 Wednesday 07 June
 Wednesday 09 August
 Wednesday 20 September
 Wednesday 01 November
 Wednesday 06 September

Fairlie Community Board *(Starting at 4.00 pm)*

Thursday 02 February
 Thursday 16 March
 Thursday 27 April
 Thursday 08 June
 Thursday 10 August
 Thursday 21 September
 Thursday 02 November
 Thursday 07 December