



**HOROWHENUA
DISTRICT
COUNCIL**

AGENDA

MEETING

HOROWHENUA DISTRICT COUNCIL

28 OCTOBER 2010

NOTICE IS HEREBY GIVEN that a meeting of the Horowhenua District Council will be held in the Horowhenua Room, Horowhenua District Council, 126-148 Oxford Street, Levin, on Thursday, 28 October 2010, commencing at 4.00 p.m.

Members of the Horowhenua District Council are:

His Worship the Mayor, Mr B J Duffy (Chair)
Cr D A Allan
Cr G G Good
Cr A M Hunt
Cr B F Judd
Cr V Kaye-Simmons
Cr P K Keenan
Cr L E McMeeken
Cr N D H Murray
Cr A D Rush
Cr R N Shaw

Reporting Officer: Mr D G Ward (Chief Executive Officer)
Meeting Secretary: Mrs K J Corkill

Business will be according to the attached Agenda.

Contacts

06 366 0999
Postal Address: Private Bag 4002, Levin 5540
Service Centre - Foxton - Main Street, Foxton Phone 06 363 8174
enquiries@horowhenua.govt.nz
www.horowhenua.govt.nz

REPORT

Subject: Adoption of Model Standing Orders

File No 4329

**To: His Worship the Mayor and Councillors
Horowhenua District Council**

From: Chief Executive Officer

Date: 28 October 2010

1. Purpose

- a. To present to members for discussion and adoption Model Standing Orders NZS 9202:2003, together with Amendments adopted by Horowhenua District Council on 31 October 2007.

2. Recommendation

- a. That Report 4329 be received.
- b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- c. That in accordance with Section 27, Schedule 7, Part 1 of the Local Government Act 2002, with effect from 28 October 2010 the Standing Orders for the Horowhenua District Council, its Committees and Subcommittees shall be NZS 9202:2003 Model Standing Orders for Meetings of Local Authorities and Community Boards as expanded (or as amended by the New Zealand Standards Association from time to time) with Amendments made and adopted by the Horowhenua District Council at an Ordinary Meeting held on 31 October 2007.

3. Background

- a. On 31 October 2007 Council adopted Model Standing Orders NZS 9202:2003 subject to Amendments. In the interim there have been no further changes to Standing Orders either at a national level, or proposed by this Council. Therefore, this resolution effectively means that the identified Model Standing Orders remain the operative document of Council unless it is amended or replaced.

4. Issues

- a. The Council is required to adopt a set of standing orders for the conduct of its meetings and those of its committees. This Council has traditionally used the standing orders published by New Zealand Standards, of which the Council is a member of the

Association. The Council currently uses New Zealand Standards Association Model Standing Orders NZS 9202:2003 for meetings of the Council, its Committees, Subcommittees.

- b. The Model Standing Orders are in three parts. Part One contains an outline, interpretation and definitions. Part Two deals with the procedure, which must be followed, leading up to meetings in the way of constitutional and legislative matters. Part Three deals with the procedures at meetings. There are also a series of appendices that give further guidance and in particular the Chairperson's powers and a chart showing the procedure for motions and amendments.
- c. Any change to Standing Orders requires the support of not less than 75% of the members present.

	Name and title of signatories	Signature
Prepared by	D G Ward Chief Executive Officer	
<u>Confirmation of statutory compliance</u>		
<p>In accordance with section 76 of the Local Government Act 2002, this report is approved as:</p> <ul style="list-style-type: none"> a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and, b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision. 		

REPORT

Subject: Policy on Appointment and Remuneration of Directors for Council Organisations

File No 4331

**To: His Worship the Mayor and Councillors
Horowhenua District Council**

From: Chief Executive Officer

Date: 28 October 2010

1. Purpose

- a. To remind Council of the existence of its Policy on Appointment and Remuneration of Directors for Council Organisations, and to identify any areas for amendment at the beginning of the new triennium.

2. Recommendation

- a. That Report 4331 be received.
- b. That Council confirms its Policy on Appointment and Remuneration of Directors for Council Organisations.

3. Issues for Consideration

- a. At today's meeting Council will be making appointments to a number of external organisations. That appointment process is detailed in a subsequent report on today's agenda.
- b. The policy on Appointment and Remuneration of Directors for Council Organisations has been in existence since 2003 and has not been subject to variation or amendment.
- c. Given that there are only a small number of external organisations that Council makes appointments to and that remuneration is not a factor, I am not proposing any changes to the existing policy.

- d. The Policy does, however, identify the processes for appointments where vacancies will occur during this triennium, directs Councillors to Conflict of Interest and identifies a number of principles with regard to remuneration, skill base and expertise.

	Name and title of signatories	Signature
Prepared by	D G Ward Chief Executive Officer	
<u>Confirmation of statutory compliance</u>		
<p>In accordance with section 76 of the Local Government Act 2002, this report is approved as:</p> <ul style="list-style-type: none"> a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and, b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision. 		

4. Attachments

- a. Policy on Appointment and Remuneration of Directors for Council Organisations,

HOROWHENUA DISTRICT COUNCIL:

POLICY ON APPOINTMENT AND REMUNERATION OF DIRECTORS FOR COUNCIL ORGANISATIONS

INTRODUCTION

The Horowhenua District Council has a governance role in number of organisations. These include the following:

1. Council-Controlled Organisations (CCOs): Horowhenua Library Trust.
2. Other (COs): Nature Coast Enterprise Incorporated, Horowhenua Lake Domain Board, Horowhenua Learning Centre Trust, Thompson House Executive, Foxton Area Community Trust, Coast Access Radio, Horowhenua Events Centre Trust.

Each of these organisations delivers services, provides advice, or in some way supports the achievement of the objectives in the council's strategic plan.

The Local Government Act 2002 requires that the Council may appoint a person to a directorship of council organisations only if the council considers the person has the skills, knowledge and experience to:

- guide the organisation given the nature and scope of its activities, and
- contribute to the achievement of the objectives of the organisation.

The council is required to adopt a policy setting out an objective and transparent process for identifying and considering the skills required of a director of a CO or CCO, and for appointing such directors.

SKILLS

The council considers that any person that it appoints to be a director of a CO or CCO should, as a minimum, have the following skills:

- intellectual ability
- an understanding of governance issues
- either business experience or other experience that is relevant to the activities of the organisation (or both)
- sound judgment
- a high standard of personal integrity
- the ability to work as a member of a team.

APPOINTMENT PROCESS

When vacancies arise in any CO or CCO the council will follow the following process for appointing directors.

The council will decide in open council whether to advertise a particular vacancy or make an appointment without advertisement. When making this decision the council will consider such factors as:

- the costs of any advertisement and process
- the availability of qualified candidates
- the urgency of the appointment
- the provisions of any existing constitution, trust deed etc
- the role of the organisation in promoting the achievement of council's outcomes
- the scale and scope of the organisation's activities

Directors appointed to COs will generally be councillors, and such appointments will generally be made by resolution in the open part of a council meeting, without prior advertisement.

Directors appointed to CCOs will generally not be councillors, and such appointments will generally be made after advertising.

Appointment By Advertisement

Where the council decides to advertise a vacancy, it may form an ad hoc committee to consider applications and make a recommendation to the council. The Mayor, or a councillor nominated by the Mayor, will chair the committee.

A shortlist of candidates will be prepared by the Mayor, the chairperson of the committee charged with responsibility for monitoring the CO or CCO, and the Chief Executive.

The short listed candidates will be interviewed by council or the relevant committee and the committee will report to council, in committee, on each of the candidates. The committee may make a recommendation if it wishes to do so.

Appointment Without Advertisement

Where the council decides not to advertise a particular vacancy it will make an appointment or refer the matter to an ad hoc committee or to the council committee that is responsible for monitoring the CO or CCO.

The council committee will consider the appointment at its next scheduled meeting. The committee will, in committee to protect the privacy of natural persons, identify and may interview a shortlist of candidates whom it considers meet the above criteria, and will forward those to Council together with a report explaining why these candidates meet the criteria. The committee may make a recommendation.

Final Appointment

Where the Council makes a decision, which may be made in committee to protect the privacy of natural persons, a public announcement of the appointment will be made as soon as practicable after the council has made its decision.

An elected member who is under consideration to fill a particular vacancy may not take part in the discussion or vote on that appointment.

CONFLICT OF INTEREST

Horowhenua District Council expects that directors of council organisations will avoid situations where their actions could give rise to a conflict of interest. To minimise these situations the council requires directors to follow the provisions of the New Zealand Institute

of Directors' Code of Ethics, a copy of which is appended to this policy. All directors are appointed 'at the pleasure of the council' and may be dismissed for breaches of this code.

REMUNERATION

Remuneration of directors of council organisations is a matter of public interest.

Where the council is the sole shareholder in a particular organisation the council will set director's remuneration either by resolution at the annual general meeting or will review salaries on an annual basis (for those organisations that do not have such a meeting). In reaching a view on the appropriate level of remuneration for directors of COs and CCOs the council will consider the following factors:

- the need to attract and retain appropriately qualified people to be directors
- the levels and movement of salaries in comparable organisations (the council may take professional advice on salary levels and movements)
- the objectives of the CO or CCO (in particular whether or not it operates on a charitable basis)
- the past performance of the CO or CCO
- whether the CO or CCO is operating as a trading undertaking
- the financial situation of the CO or CCO.
- the provisions of any existing constitution, trust deed etc

In cases where the council cannot exercise direct control, such as in an organisation where it is one shareholder among many, it will conduct its own monitoring of salaries against the above factors and will publicly disclose the name of any CO or CCO which it considers is not complying with the above factors.

Where a councillor is appointed as a director of a CO or CCO, the only additional remuneration payable to the councillor shall be the daily meeting allowance set by the council from time to time, which shall be paid by the council. No remuneration shall be paid by the CO or accepted by the councillor.

Directors of COs or CCOs who are employees of government agencies/organisations will not be eligible for directors remuneration.

REPORT

Subject: Code of Conduct
File No 4330

**To: His Worship the Mayor and Councillors
Horowhenua District Council**

From: Chief Executive Officer

Date: 28 October 2010

1. Purpose

- a. To remind Council of the existence of its Code of Conduct, and to identify any areas for amendment at the beginning of the new triennium.

2. Recommendation

- a. That Report 4330 be received.
- b. That Council confirms its Code of Conduct.

3. Issues for Consideration

- a. Clause 15 of Schedule 7 of the Local Government Act 2002 requires a local authority to adopt a Code of Conduct for its members "as soon as practicable after the commencement of this Act.
- b. Council adopted its Code of Conduct in 31 October 2007, and this remains the operative document of the current Council unless it is amended or replaced.
- c. The Code of Conduct may not be revoked without replacement.
- d. Any amendment to, or a replacement of, the Code of Conduct requires a vote in support by 75% of the members present.
- e. There is no statutory requirement for review or confirmation following an election, but given changes in the membership of Council, and any experience drawn from application of the Code of Conduct over the past 12 months, it is considered good practice to at least review the document.
- f. The key elements of the Code of Conduct are details of:
 - understanding and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in the capacity as members, including behaviour towards one another, staff and their public, and disclosure of information, including the provision of any document to elected members, and
 - a general explanation of the Local Government Official Information & Meetings Act and any other enactment or rule of law applicable to members
- g. Councillors may wish to identify other areas of the Code of Conduct which would benefit from amendment.

4. Discussion Items

The role of a local authority

- a. The role of a local authority is to give effect to the purpose of local government. That purpose is described in the Local Government Act 2002 as enabling

democratic local decision-making and action by communities and promoting the social, economic, environmental and cultural well-being of communities. To carry out this role Parliament has conferred on local authorities the full capacity to carry out any activity or business and to do any act or enter into any transaction. This is sometimes referred to as the "general power of competence" and was a significant change from the position prior to 2003 when local authorities could only do what the Act expressly said they could do. That restriction no longer exists. However, the enlarged powers of local authorities have been accompanied by provisions in the new Local Government Act that govern how local authorities decide which activities they undertake and that promote the accountability of local authorities to their communities.

- b. In performing its role, a local authority must conduct its business in accordance with a number of principles that are set out in section 14 of the Local Government Act 2002.

They include:

- To conduct its business in an open, transparent and democratically accountable manner;
 - To make itself aware of and have regard to the views of all its communities;
 - To undertake any commercial transactions in accordance with sound business practices.
- c. The obligation to conduct its business in an open, transparent and democratically accountable manner is the principle behind many of the matters referred to in the Code of Conduct and statutory references.

Meetings

- a. Part 7 of the Local Government Official Information and Meetings Act applies to all meetings of the Council and Community Boards, as well as to committees and sub-committees of those bodies.
- b. The public have a right to inspect within a period of at least 2 working days before every meeting, without charge, agendas and associated reports circulated to members. The Chief Executive can however, exclude reports that he expects the meeting to discuss with the public excluded.
- c. The general rule is that every meeting of a local authority is open to the public (which includes the media). However, the Council can by resolution exclude the public from a meeting on grounds that conducting that part of the meeting in public would result in the disclosure of information where there is good reason for withholding the information. There is a form of resolution to be used. The resolution must state the general subject of each matter to be considered with the public excluded and the reason for excluding the public. For example, if the Council's solicitors have given advice to the Council that the Council wishes to discuss at a meeting, it can do so with the public excluded. The resolution may also provide for a specified person to remain after the public has been excluded if that person has knowledge that will assist the authority.
- d. There are effectively five different ways by which communication is generally undertaken with elected members - two of these conducted under the LGOIMA - open public meeting or In Committee meeting - and two less formal, for

information purposes only - workshops (which are normally open to the public) or elected member briefings.

The 5th manner of communication is that between the Chief Executive and elected members, which may be by letter, email or telephone.

The two methods under LGOIMA - open public meeting or In Committee meeting - are surrounded by very strict guidelines as to meeting form (legislation) and to conduct within a meeting (Model Standing Orders and Code of Conduct). Council is only able to pass resolution on any matter under these two meeting formats.

Where an item is required to be discussed In Committee there are very strict guidelines pertaining to the reasons for that course of action being taken and the process under which Council must operate. A resolution is required to be passed by Council before it can go into In Committee. The opportunity is always available for Council to discuss the content of that resolution and the need to conduct its business In Committee.

- e. The reason a local authority may choose to conduct its business In Committee is generally to protect parties who may be involved in or subject to such discussions. Local authorities are big businesses in any District and as such have regular and wide ranging contact with many aspects of the business community. In doing business with, and within, its community a local authority is attempting to provide the best service at the most affordable cost for the benefit of the District at large. Commercial negotiations are conducted to preserve the interests of both Council and any other affected party. The beneficiaries to these discussions are not Council but are the residents of the District within which Council operates. Preserving confidentiality will serve to promote this advantage.
- f. Councillors who attend meetings where In Committee business is conducted and resolutions may be passed, are bound to preserve that confidentiality in accordance with Standing Orders and the Code of Conduct. Where this confidentiality is breached reference is made to Clause 2.18.1 of the Standing Orders, followed by Clause 16 (Schedule 7) of the Local Government Act 2002.

If it is deemed that there is a breach of these two references then a local authority may consider how to respond under Sections 238, 239 or 242 of the Local Government Act 2002.

- g. There may be instances where parties who are subject to In Committee discussions and are affected by a breach of confidentiality feel disenfranchised and also wish to pursue legal action against a Council or member of that Council for breach of confidentiality.

Prepared

DG Ward
Chief Executive

4. Attachments

- a. Current Code of Conduct

REPORT

HOROWHENUA DISTRICT COUNCIL

**CODE
OF
CONDUCT**

The Mayor and Councillors
Horowhenua District Council

Updated 31 October 2007

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CODE OF CONDUCT

Adopted by Council on 31 October 2007

PART ONE: INTRODUCTION

Schedule 7 of the Local Government Act 2002 (the Act) requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

This code of conduct provides guidance on the standards of behaviour that are expected from the Mayor and elected members of the Horowhenua District Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive Officer
- all staff employed by the Chief Executive Officer on behalf of the Council and Council contractors
- the media
- the general public.

The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local government of the Horowhenua District
- the credibility and accountability of the Council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in Part Two of the code)
- agreed general principles of conduct (recorded in Part Three of the code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part Three of the code).

Elected members are primarily accountable to the electors of the district through the democratic process. However members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968.

The code of conduct that follows is based on the following general principles of good governance:

- **Public interest.** Members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Honesty and integrity.** Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

- **Objectivity.** Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire district, not the ward that elected them.
- **Accountability.** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness.** Members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions.
- **Personal judgement.** Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others.** Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.
- **Duty to uphold the law.** Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship.** Members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- **Leadership.** Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

PART TWO: ROLES AND RESPONSIBILITIES

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor, and the role of the Chief Executive Officer.

5. Elected Members

Elected members, acting as the Council, are responsible for:

- the development and adoption of Council policy
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the Chief Executive Officer
- representing the interests of the residents and ratepayers of the Horowhenua District Council. (On election, the members' first responsibility is to the district as a whole.)

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the Council can only act by majority decisions at meetings. Each member has one vote. Any individual member (including the Mayor) has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.

6. Mayor

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of Council. The Mayor also has the following roles as a:

- presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);
- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of Council;
- providing leadership and feedback to other elected members on teamwork and chairmanship of committees; and
- Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council.

7. Deputy Mayor

The Deputy Mayor must be elected by the members of Council, at the first meeting of the Council. The Deputy Mayor exercises the same roles *and responsibilities* as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

8. Committee Chairpersons

The Council may create one or more committees of Council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by Council, *in carrying out its business*, and as set out in the Council's *Delegations Manual*. Committee chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of Council.

9. Chief Executive Officer

The Chief Executive Officer is appointed by the Council in accordance with sections 42 of the Local Government Act 2002. The Chief Executive Officer is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive Officer are:

- implementing the decisions of the Council
- providing advice to the Council and community boards
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive Officer or to any person employed by the Chief Executive Officer, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the local authority effectively and efficiently

- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

Under section 42 of the Local Government Act 2002 the Chief Executive Officer employs all other staff on behalf of the local authority.

PART THREE: RELATIONSHIPS AND BEHAVIOURS

This part of the code sets out the Council's agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the code is material that the Council has decided to include of its own initiative.

10. Relationships with Other Members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. With this in mind elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct
- have due regard for the policies of Council
- show respect to each other
- show respect for cultural diversity.

11. Relationships with Staff

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained elected members will:

- recognise that the Chief Executive Officer is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive Officer may hire, dismiss or instruct or censure an employee
- make themselves aware of the obligations that the Council and the Chief Executive Officer have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)

- the accepted protocol for communication between elected members and staff is via the Chief Executive Officer or the Environmental Services Manager, Finance Manager, Development Manager, Customer Services Manager, Manager - Community Assets, Strategic & Corporate Services Manager, or Information Services Manager. Matters of a routine nature should be forwarded directly to the Customer Services Centre for processing
- observe any guidelines that the Chief Executive Officer puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicity criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive Officer, and concerns about the Chief Executive Officer only with the Mayor or the Chief Executive Officer Review Committee.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

12. Relationships with the Community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council, have their concerns listened to, and deliberated on in accordance with the requirements of the Act.

Members should act in a manner that encourages and values community involvement in local democracy. Members should remember that they have no personal power to commit the Council to any particular policy, course of action or expenditure. This can only be done by resolution at a meeting of Council or its committee.

13. Contact with the Media

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of Council. From time to time, individual members will be approached to comment on a particular issue either on behalf of Council, or as an elected member in their own right. This part of the code deals with the rights and duties of Councillors when speaking to the media on behalf of Council, or in their own right.

The following rules apply for media contact on behalf of elected members of Council:

- the Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent or unavailable, any matters will be referred to the Deputy Mayor or relevant committee chairperson
- the Mayor may refer any matter to the relevant committee chairperson or to the Chief Executive Officer for their comment
- no other member may comment on behalf of Council without having first obtained the approval of the Mayor.

Elected members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- the Councillor must not state or imply that his/her views represent the views of Council
- where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, eg not disclose confidential information, or compromise the impartiality or integrity of staff
- the Councillors' comments should not criticise members of staff.

Communications from elected members in the form of advertising or publicity should comply with the attached policy on such matters.

14. Confidential Information

In the course of their duties members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member. It is a serious betrayal of trust to disclose information that is confidential or to use it for any private gain.

Elected members should be aware that failure to observe these provisions will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose Council and/or the elected member to prosecution under the Privacy Act 1993 and/or civil litigation.

15. Conflicts of Interest

Elected members must be careful that they maintain a clear separation between their personal interests and their duties as an elected member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Members therefore need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, *along* with other legal requirements concerning non-financial conflicts of interest.

The Act provides that an elected member is disqualified from office, or from election to 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/*committee* discussion or vote 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 a pecuniary interest. Members must declare their interests at Council meetings where matters in which *they* have a pecuniary interest arise and vacate the meeting chamber while the matter is under discussion.

Members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify the Council of the nature and extent of any interest, including:

- any employment, trade or profession carried on by the member or the member's spouse for profit or gain
- any company, trust, partnership etc for which the member or their spouse is a director, partner, trustee or beneficiary
- the address of any land in which the member has a beneficial interest and which is in the Horowhenua District
- the address of any land where the landlord is the Horowhenua District Council and:
 - the member or their spouse is a tenant, or
 - the land is tenanted by a firm in which the member or spouse is a partner, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary
- any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member.

Where a member has a conflict of interest in an item before the Council, the member shall leave the table and take no part in any discussion on that item. If the member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive Officer *immediately*.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the member 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 Officer 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 the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by Council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

16. Standing Orders

Elected members must adhere to the Standing Orders adopted by Council under the Local Government Act 2002. These Standing Orders are subject to the same legal requirements as a code of conduct with regard to their adoption and amendment.

17. Ethics

The Horowhenua District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that 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 Chief Executive Officer if any gifts are accepted
- where a gift to the value of \$100.00 or more is offered to a member, immediately disclose this to the Chief Executive Officer for inclusion in the publicly available register of interests.¹

18. Disqualification of Members from Office

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

Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require members to declare whether they are an undischarged bankrupt. This Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgement in general. The Council therefore requires elected members who are declared bankrupt to notify the Chief Executive Officer as soon as practicable after being declared bankrupt.

PART FOUR: COMPLIANCE AND REVIEW

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

19. Compliance

Elected members must note that they are bound to comply with the provisions of this code of conduct (Local Government Act 2002, Schedule 7, section 15(4)).

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. The Chief Executive Officer will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members. Short explanations of the obligations that each of these has with respect to conduct of elected members are attached to this code.

Compliance will be monitored by the Strategic, Planning and Policy Committee of Council as a Whole. This Committee will be constituted at the first meeting after each triennial election. The Mayor will be the Chairperson of this Committee. That the Strategic Planning and Policy

¹ There is no limit specified in legislation. Local authorities should carefully consider what limit or limits should be applied in their own code.

Committee to monitor compliance with the Code of Conduct be made up of the Mayor, Deputy Mayor and one member of the public with appropriate expertise.

That the selection of the member of the public to be appointed to the Strategic Planning and Policy Committee to monitor compliance with the Code of Conduct be made by Council as a whole.

All alleged breaches of the code will be reported to the above committee. Any allegation of a breach of a code of conduct must be in writing, make a specific allegation of a breach of the code of conduct, and provide corroborating evidence.

The committee will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the committee will notify the elected member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.

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

20. Responses to Breaches of the Code

The exact nature of the action the Council may take depends on the nature and extent 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 (*Sections 46 & 47*)
- 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 should the occasion arise:

- censure in public
- 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.

21. 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 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 has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in the Council library or in the office of the Chief Executive Officer.

22. The Local Government Official Information and Meetings Act 1987

This Act makes official information held by local authorities more freely available, providing for proper access by each person to official information relating to that person which is held by local authorities, to provide for the admission of the public to meetings of local authorities, to protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and preservation of personal privacy, and to establish procedures for the achievement of these purposes.

1. Official Information (Parts I to VI of the Act)

This Act regulates access by the public to official information held by the Council. There is a general principle that official information will be made available unless there is "good reason" for withholding the information (section 5).

The Act sets out what constitutes "good reason" for withholding information and this is contained in sections 6, 7, 17, 17A and 17B. If information is withheld the reason for doing so must be given (section 18).

Decisions on official information requests must be made within 20 working days of receipt of the request (section 13).

In some cases, the provisions of the Act must be read in conjunction with the Privacy Act 1993, which protects personal information. The Privacy Act also contains special rules relating to the release of information from public registers. The rate records, valuation roll and electoral roll are public registers for the purposes of the Privacy Act (Part VII of the Privacy Act 1993).

2. Local Authority Meetings (Part VII of the Act)

In addition to providing for official information requests, The Local Government Official Information and Meetings Act provides for the public notification of Council meetings (section 46), the availability of agendas and reports associated with the meetings (section 46A), and the admission of the public to meetings of the Council (Section 47)

Part VII is generally concerned with access to and information arising from local authority meetings. More specific provisions for the conduct of local authority meetings are found in Schedule 7 of the Local Government Act 2002 and in Council's adopted Standing Orders (N.Z.S 9202:2001).

23. Local Authorities (Members' Interests) Act 1968

This Act regulates the involvement of members in Council business in which they have a conflict of interest. It deals with two types of interest:

- Disqualifying interests in contracts with the Council (section 3); and
- Pecuniary interests in matters discussed by the Council (section 6).

3. Disqualifying Interest

A member will be disqualified from being a member of the Council if that member is "concerned or interested" in a contract with the Council exceeding \$25,000 in any financial year. "Concerned or interested" does not necessarily require a pecuniary interest in the contract, and can extend to situations where a spouse is "concerned or interested" in the contract.

There are exceptions to the general rule set out in section 3(3) of the Act. One of the exceptions is if Audit Office approval is obtained.

It is an offence against the Act to do anything as a member of a local authority while incapacitated pursuant to section 3 (see section 5). Where a member becomes incapacitated under section 3 an extraordinary vacancy is created.

Comment

The Act regulates the activities of members of authorities, not the actions of the authorities themselves. Members, not authorities, may be prosecuted for breaches of the Act. Consequently as a member, you are responsible for ensuring that you comply with the Act - from the time you consider election or appointment to the conclusion of your term of office.

4. Pecuniary Interest

A member must not vote on or take part in the discussion of any matter before the Council in which he/she has, directly or indirectly, any pecuniary interest, other than an interest in common with the public (section 6(1)). The member must declare his or her interest when the matter is raised, and the declaration and the abstention from discussion and voting will be recorded in the minutes (section 6(5)).

The Act sets out certain situations where a member will be deemed to have a pecuniary interest (section 6(2), (2A)), and some exceptions to the rule (section 6(1A), (2B), (3)).

The Audit Office has the power to declare that the general rule shall not apply to either a specified matter or a specified class of matter (section 6(4)).

It is an offence against the Act for a member to discuss or vote on a matter in which he or she has a pecuniary interest. On conviction the member will be deemed to have been granted leave of absence, and that leave of absence may result in the member's office on the Council being vacated (section 7).

Some examples of conflict of interest are:

- A local authority is planning a roading improvement project. A member of the local authority has a close relative who owns a property that is in the way of the project.

- A community organisation approaches a local authority for financial support. A member of the authority is a member or unpaid office holder of the community organisation.
- A member of an authority is also an employee of a company that has a large contract with the local authority. The local authority is considering whether the contract should be renewed.

24. CRIMES ACT 1961

ss 99, 105 and 105A Bribery and Corruption

A member of a local authority is an "official" for the purposes of sections 105 and 105A of the Crimes Act relating to bribery and corruption.

A member will be liable to imprisonment for a term not exceeding 7 years if he/she corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe in respect of any act done or omitted to be done by him or her in his or her official capacity (see section 105).

A member will be liable to imprisonment for a term not exceeding 7 years if he/she corruptly uses or discloses any information, acquired by him/her in his/her official capacity, to obtain, directly or indirectly, an advantage or pecuniary gain for him/herself or any other person (see section 105A and 105B).

25. Secret Commissions Act 1910

Every officer or member of a local authority is deemed to be an “agent” of the local authority for the purposes of this Act (section 16).

It is an offence for an agent to receive a gift or other consideration as a reward or other inducement for doing or forbearing to do any act in relation to the principal's affairs or business (whether such act is within the scope of the agent's authority or the course of his/her employment as agent or not), or for showing or having shown favour or disfavour to any person in relation to the principal's affairs or business (section 4).

It is an offence for an agent not to disclose to the principal his or her pecuniary interest in any contract when making a contract on behalf of the principal (section 5). This provision has some parallels with the requirements of the Local Authorities (Members' Interests) Act relating to the disclosure of interests.

26. The Securities Act 1978

When does the Securities Act 1978 Apply to the Council?

The Council has wide borrowing powers under Part 6 of the Local Government Act 2002 (Section on "Borrowing and Security"). One of the ways the Council can borrow is by issuing stock. If stock is offered to the public the Council must comply with the Securities Act. What constitutes "offering to the public" is given a very wide meaning (see section 3 of the Act - "Construction of References to offering securities to the public").

What Does the Securities Act Require?

The Securities Act regulates the offering of securities to the public. Local authority stocks are securities for the purposes of the Act.

If the Council intends offering its stock to the public it will have to produce a prospectus and an investment statement complying with the requirements of Part II of the Act and the Securities Regulations 1983. In addition, the offer will have to be made in, or accompanied by, an "authorised advertisement", certificates would have to be issued, and certain information relating to the securities would have to be sent periodically to the holders of the Council's securities.

What is the penalty for non-compliance with the Securities Act?

The Securities Act provides wide provisions for civil liability and criminal offences for untrue statements made in an advertisement or in a registered prospectus on which a member of the public has relied in purchasing securities. In addition, there are general offences which apply to persons who do not otherwise comply with the provisions of the Act.

Elected members are deemed "directors" of the local authority for the purposes of the Act and Regulations. As such they are potentially personally liable to investors if a registered prospectus or investment statement contains an untrue statement. Members may also be criminally liable if the requirements of the Act or Regulations are not met.

27. POLICY FOR ADVERTISING AND PUBLICITY

1. That the Horowhenua District Council, as a body corporate, be seen as speaking with one voice, acting within the scope of its functions, duties and powers.
2. That any advertising and publicity, especially that of a “non public notice” nature or type, be for the purpose of providing objective, impartial, factual and explanatory information.
3. That the material be presented in a way that does not promote or be perceived as promoting a personal, party political or sectional grouping interest or viewpoint.
4. That the code of good practice apply to the multilateral communication of information by Council whether it be construed as being ‘publicity’ or ‘advertising’ or by any other name. This communication could take the form of:
 - (i) printed matter - such as pamphlets, booklets, press statements, newsletters, newspaper columns or posters
 - (ii) any audio visual material - ie video tapes or recorded tapes
 - (iii) press, radio, cinema advertisements/commercials/sponsored features
 - (iv) material in any electronic format - email, internet website
5. That the content of any advertising or publicity to contain one or more of:
 - facts
 - analysis
 - opinion or commentwith the information being accurate, complete, fairly expressed and where applicable in a legal/lawful format.
6. Care is to be taken not to create bias especially when facts or arguments have been summarised.
7. When conveying information on a “before phase” (pre consultation) subjective judgement of the relative merits of differing opinion/facts should be avoided, and where practical, the advantages/disadvantages should be conveyed to the reader/listener.
8. In assessing the need for any advertising/publicity the most cost effective means of conveying the information to those who need should be determined by using the following:
 - who is the information/communication aimed at?
 - what information do they need?
 - in what way is the information best presented?
9. That the Mayor's column revert to a generalised format with the content of a functional nature written by, or for, the Chief Executive Officer based on current Council happenings and future events etc commencing from 1 August of the year preceding the triennial local authority elections and ending on the date that the results of the election are declared.

REPORT

Subject: Membership and Chairs of Existing Standing Committees

File No 4327

**To: His Worship the Mayor and Councillors
Horowhenua District Council**

From: Chief Executive Officer

Date: 10 November 2010

1. Executive Summary

a. Purpose of the report

To outline the options available to Council for the membership and Chairs of its Standing and Special Purpose Committees/Subcommittees.

2. Recommendation

a. That Report 4327 be received.

b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

c. That Council adopts a Committee/Special Committee/Subcommittee structure comprising a:

- Hearings Committee
- Iwi Consultation Special Committee
- Chief Executive Officer's Performance Agreement Review Special Committee
- Major Events and Local Events Marketing Grants Subcommittee
- General Grants and Rural Halls Subcommittee
- Creative New Zealand Funding Allocation Special Committee
- Community Scheme Local Allocation Special Committee
- Strategic Grants Special Committee
- Civic Honours Special Judging Panel
- Kapiti Horowhenua Joint Regional Economic Development Forum
- Audit Subcommittee
- Community Wellbeing Subcommittee

d. That Council appoints five (5) members, including the Chairperson and Deputy Chairperson to its Hearings Committee and the Committee be delegated responsibility to consider and decide on the formal regulatory processes associated with the District Plan, resource consent hearings and hearing of submissions on bylaws.

e. That appointees to the Hearings Committee make a commitment to training aimed at achieving accreditation by 30 June 2011.

- f. That the Chairperson of the Foxton Community Board be invited to sit on the Hearings Committee on matters pertaining to the Community Board area.
- g. That the Iwi Consultation Special Committee comprise the Mayor, plus four (4) other Councillors.
- h. That the Chief Executive Officer's Performance Agreement Review Special Committee comprise the Mayor and all elected Councillors.
- h. That the Audit Subcommittee comprise the Mayor, plus three (3) other Councillors.
- j. That Council and its committees continue to meet on a monthly basis, commencing at 4.15 pm on the first Wednesday of the month unless otherwise specified.
- k. That the next meeting of Council be Wednesday, 10 November 2010 commencing at 4.15 pm.
- l. That the Chief Executive Officer brings forward a meeting schedule for 2011 for adoption by Council at its 10 November 2010 meeting.
- m. That a review of the structure and chairpersonship of Council's committees be carried out after the first twelve months of operation.
- n. That Council adopts the list of proposed appointments to community groups and organisations as appended to this report.
- o. That the Council's representative on the Nature Coast Enterprise Board remain a person best qualified for the role, from outside of Council.
- p. That upon adoption of the suggested Committee Structure, terms of reference, delegations and Council's Code of Conduct, together with any amendments made to Standing Orders, a separate folder be compiled and made available to all Councillors, Board Members and Senior Officers for future reference purposes containing all these documents, along with any amendments or additions/deletions made.

3. Context

a. Background

Following each triennial election Council has to review membership and Chairs of existing standing committees and special committees, approve the meeting schedule for the following year, make appointments to Statutory Bodies, Community Groups/Associations and other organisations.

These appointments are generally for the three year term of Council unless more specifically stated as to the actual term of appointment.

The purpose of local government is:

- to enable democratic local decision making and action by and on behalf of communities; and
- to promote the social, economic, environmental and cultural wellbeing of communities, in the present and in the future.

The role of Council is to give effect to the above and to perform the duties and exercise the rights conferred on it by or under the Local Government Act 2002, its amendments, and any other enactment.

The rationale behind the committee structure is believed to be, on the one hand, to separate Council's regulatory functions from its non-regulatory functions, and to improve Council's decision making processes through the use of committees focusing on specific areas of Council's function on the other. Through the use of delegations to these committees, Council is able to effect a reasonably efficient and robust decision making process.

There is no mandatory requirement for Council to have any committee. Specific requirements from time to time are able to be dealt with by full Council, or through special committees of Council set up for a specific purpose and with clear terms of reference.

In our recommendations we include a proposed Hearings Committee, that Committee consisting of five members, including a Chair and Deputy Chair. With regard to accreditation we recommend that all members not already accredited should undertake the necessary training thus keeping Council's philosophy that the majority of members of the Hearings Committee are accredited. We estimate the cost of this training to be approximately \$2,500 per person.

A review of Council's committee structure is suggested after the first 12 months of operation of the new Council. The purpose of this is threefold:

- (i) to provide an opportunity for elected members to change to an alternative committee;
- (ii) for the chairpersonship to be reviewed either because incumbent chairs no longer have the time available to commit to this role, because they have a stronger interest in one of the other committees; or
- (iii) because other councillors want to have an opportunity to put themselves forward for consideration as a Chair, and to review the effectiveness of the structure as adopted.

b. Meeting Frequency and Timing

Council operated a monthly meeting cycle in the last term of Council. This has provided sufficient space between meetings to balance out the officer input and support needed for these meetings.

The well established start time for Council and its committees has been 4.15 pm. This has been built around availability of all members.

The first Wednesday in the month has been the Council's preferred meeting date with other meetings, such as the Foxton Community Board, being so scheduled to enable recommendations to be considered at a subsequent Council meeting, along with any additional officer reporting or research.

c. Terms of Reference and Delegations

Appended to this report are copies of the current Terms of Reference and Delegations for:

- Hearings Committee;

- Iwi Consultation Special Committee;
- Chief Executive Officer's Performance Agreement Review Special Committee;
- Major Events and Local Events Marketing Grants Subcommittee;
- General Grants and Rural Halls Subcommittee;
- Creative New Zealand Funding Allocation Special Committee
- Strategic Grants Special Committee;
- Civic Honours Special Judging Panel
- Kapiti Horowhenua Joint Regional Economic Development Forum;
- Audit Subcommittee
- Community Wellbeing Committee

d. Appointments to Groups and Organisations

Appended is a schedule of groups and organisations to which Council has maintained representation. In many cases there is no imperative for Council to be represented at all on the organisation where it currently has a presence, and a starting point is for the Council to decide whether it still wishes to accept any invitation to continue to be represented.

Council is, however, under Part 5 of the Local Government Act 2002, required to make appointments and set remuneration for members appointed to Council Organisations (CO), including Council Controlled Organisations (CCO).

Council has established a policy on such appointments and remuneration.

It is also noted that inherent in Council's policy on appointments to CCOs, is that the appointment does not necessarily have to be a Councillor or Board Member, although this is normally the case for COs. The formal relationship between Council and Nature Coast Enterprise is on an arms-length commercial contract and to avoid the split accountability that currently exists, it is recommended that the future Council representative on the Nature Coast Enterprise Board remain a person best qualified for the role, from outside of Council.

	Name and title of signatories	Signature
Approved by	D G Ward Chief Executive Officer	
<u>Confirmation of statutory compliance</u>		
<p>In accordance with section 76 of the Local Government Act 2002, this report is approved as:</p> <ol style="list-style-type: none"> a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and, b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision. 		

4. Attachments

- a. Proposed Appointments
- b. Reference and Delegations

**Proposed Appointments to Statutory Bodies, Community Groups/
Associations and Other Organisations
2010-2013**

Organisation/Body Group	Appointment(s)
Zone 3 Local Government New Zealand Association	Mayor Duffy
Manawatu River Users Advisory Group	Cr R Shaw
Horowhenua Lake Domain Board	Cr N Murray, Mayor Duffy, Cr T Rush
Horowhenua Learning Centre Trust	Cr G Good
Horowhenua Neighbourhood Support Management Committee	Cr L McMeeken
Thompson House Executive	Cr G Good
Horizons Regional Council - Regional Land Transport Committee	Mayor Duffy
Foxton Area Community Medical Trust	Cr B Judd, Cr D Allan
Enterprise Coast	Vacant
Jack Allen Community House	Cr G Good
Waitarere Beach Progressive and Ratepayers Association Inc	Cr N Murray, Cr P Keenan
Hokio Progressive Association Inc	Cr N Murray, Cr P Keenan
Manakau District Community Association	Cr N Murray, Cr P Keenan
Waikawa Beach Ratepayers Association	Cr N Murray, Cr P Keenan
Horowhenua District Transportation Trust	Mr D Colling
Manawatu-Wanganui Region Civil Defence Emergency Management Group Governance Body	Mayor Duffy
NZ Patriotic Council	Cr T Rush
Coast Access Radio - Horowhenua District Trustee	Cr T Rush
National Museum of Audio Visual Arts & Sciences Trust Board	Cr A Hunt
Shannon Progressive Association Inc	Cr R Shaw
Passenger Transport Subcommittee - Horizons Regional Council	Mayor Duffy
Mayor's Task Force for Jobs	Mayor Duffy
Shannon Community Action Committee	Cr R Shaw
Horowhenua Events Centre Trust - Council Appointee	Shelly Mitchell-Jenkins
Crime Prevention Camera Trust	Cr G Good, Cr V Kaye-Simmons
Neighbourhood Liaison Group - Landfill	Cr B Judd
Manawatu/Wanganui Regional Disaster Relief Fund Trust	Cr T Rush
Horowhenua Library Trust Liaison Councillors	To be selected from Crs G Good, T Rush and V Kaye-Simmons
Shannon Sewerage Working Party	Cr R Shaw

Proposed Special Committees/Subcommittees
2007-2010 Appointments

Hearings Committee	To be selected from: - Crs Allan, McMeeken, Good, Rush, Shaw, Kaye-Simmons
Iwi Consultation Special Committee	Mayor Duffy, Cr Murray, Cr Shaw, Cr Kaye-Simmons, Cr Judd
Chief Executive's Performance Agreement Review Special Committee	All Councillors
Major Events and Local Events Marketing Grants Subcommittee	Cr Hunt, Cr Rush, Cr McMeeken
General Grants and Rural Halls Subcommittee	Cr Keenan, Cr Kaye-Simmons, Cr Shaw, Cr Rush
Creative New Zealand Funding Allocation Special Committee	Cr Kaye-Simmons, Cr McMeeken
Strategic Grants Special Committee	Full Council
Civic Honours Special Judging Panel	Mayor Duffy, Cr Rush, Cr Keenan, Cr Hunt, Cr Kaye-Simmons, Cr Shaw
Kapiti Horowhenua Joint Regional Economic Development Forum	Mayor Duffy, Cr McMeeken, Cr Rush Alternate Cr Good
Audit Subcommittee	Cr Judd, Mayor Duffy, Cr Keenan, Cr Rush
Community Wellbeing Subcommittee	To be selected from" - Crs Judd, Good, Murray, Kaye-Simmons and Hunt

TERMS OF REFERENCE AND DELEGATIONS

Hearings Committee

1. Hear and determine submissions in relation to proposed changes of the operative District Plan.
2. Hear and determine submissions in relation to any proposed District Plan or variation thereof (this is in anticipation of the revision of the District Plan in 2007/08)
3. Hear and determine any objections made under Section 357 of the RMA (being the section under which applicants may object to certain resource consent decisions made by officers under delegated authority.
4. Hear and consider matters requiring a decision as a result of the special consultative process having been undertaken and take any decisions needed as a consequence of that process.
5. Determine matters under any other legislation where a hearing process is necessary.
6. Appoint any commissioner/s to hear and determine any such matter as it considers appropriate.

To act in a regulatory capacity on behalf of Council in regard to any hearings required to be undertaken under any provisions of the Local Government Act 2002 (excepting those matters relating to the LTCCP and/or the Annual Plan), The Building Act 2004, Crown Mineral Act 1991, Sale of Liquor Act 1989, Dog Control Act 1996, Civil Defence Emergency Management Act 2002, Hazardous Substances and New Organisms 1996 Act, and any other enactment or Regulation as required.

Delegations for the Hearings Committee and to Council Staff will be the subject of a separate report to a future meeting to Council.

Iwi Consultation Special Committee

1. To recognise key principles of the Treaty of Waitangi and issues affecting Iwi and council.
2. To develop a liaison/communication process on any matters of interest or concern to Iwi.
3. To advise Council on policy, objectives and requirements for procedures involving Iwi consultation.

Chief Executive Officer's Performance Agreement Review Special Committee

1. To review the Chief Executive Officer's performance under the provisions of the 7th Schedule of the Local Government Act 2002 and in terms of the performance agreement entered into with the Chief Executive Officer under that Act.
2. These provisions do not extend to the appointment or re-employment of the Chief Executive Officer.
3. That the Horowhenua District Council, pursuant to Clause 32 of the 7th Schedule of the Local Government Act 2002, delegates to the Chief Executive's Review Committee the following powers, duties and functions:
 - (a) To undertake and conclude the CEO's performance and remuneration reviews as set out in the CEO's Performance Agreement.
 - (b) To establish the CEO's annual performance criteria.

Major Events and Local Events Marketing Grants Subcommittee

1. To allocate financial assistance to community groups/commercial organisations intending to establish a unique, nationally focused iconic event(s) in the Horowhenua District.
2. To meet to allocate funding under the Policy Guidelines established for determining funding from this source.

3. To allocate funding provided for within the LTCCP to assist local organisations and groups in marketing events outside of the district with the aim of attracting out of town revenue.
4. The subcommittee to meet on an annual basis to determine applicants received and make recommendations for grants to be made to approved applicants.

General Grants and Rural Halls Subcommittee

1. To allocate General Grants Funding provided for within the LTCCP to eligible groups and organisations under the General Grants criteria.
2. Subcommittee to meet on an annual basis to determine applications received and make recommendations for grants to be made to approved applicants.
3. To allocate Rural Halls grant funding provided for within the LTCCP to approved halls within the Horowhenua District with funding allocated under the established Rural Halls Grants Criteria.
4. Subcommittee to meet on an annual basis to determine applications received and make recommendations for grants to be made to approved applicants.

Creative New Zealand Funding Local Allocation Special Committee

1. To allocate funding provided from Creative New Zealand on a twice yearly basis under the criteria laid down by Creative New Zealand.
2. The Special Committee to meet twice a year to consider applications received under the respective grant rounds and to allocate funding to qualifying applicants.

Civic Honours Special Judging Panel

1. The Judging Panel to comprise Mayor Duffy, 2 members Kere Kere Ward, 1 Member Miranui Ward, 2 Members Levin Ward, 1 Member Waiopahu Ward together with Senior Officer, Levin Police to determine nominations received for annual civic honours.
2. The Judging Panel to meet on an annual basis (approximately mid November) to assess applications made and award the relevant civic honours for the current calendar year.

Audit Subcommittee

1. To act as a catalyst between Council, Council staff and Council's external auditors
2. To provide strength to elected representatives' knowledge and satisfaction of performance and compliance matters around financial management of Council's operations
3. To gain a clear understanding of statutory timeframe responsibilities, and matters of emphasis being considered during audit field work and provide to Council recommendations how these can be enhanced
4. The Audit Subcommittee to comprise a maximum of four (4) Councillors with a quorum set at three Councillor
5. That the Subcommittee meet a maximum of three times a year to:
 - (a) adopt the annual audit engagement letter associated with Council's Annual Report prepared at the end of each financial year;
 - (b) for the purpose of receiving the draft Annual Report, to review its contents and make recommendations on its formal adoption by Council
 - (c) consideration of the draft audit management letter prepared by Council's external auditors and to consider any implications of any issue raised for consideration
 - (d) the formation of Policies as recommended by Council's auditor to address matters raised in any management reporting on Council's financial or HR procedures
6. Undertake any other function or audit related operation as deemed necessary.

Foxton Community Board

The role of the Foxton Community Board is as defined in Section 52 of the Local Government Act 2002, as follows:

1. to represent, and act as an advocate for, the interests of its community; and
2. to consider and report on all matters referred to it by the Council, or any matter of interest or concern to the community board; and
3. maintain an overview of roading works, water and wastewater services, stormwater drainage, parks and recreational facilities, community activities and traffic management and other services provided by the Council within the community area; and
4. preparation of an annual submission to the Horowhenua District Council's annual budgetary process for expenditure within the community area; and
5. communicate and liaise with community organisations and special interest groups within the community on matters of interest and concern; and
6. undertake any other functions delegated by the Horowhenua District Council to the Board pursuant to Clause 32 of Schedule 7 of the Local Government Act 2002 or any other matter as the Council may from time to time refer to the Board for action.

Community Well Being Executive Committee

1. To put into action the recommendations of the larger group
2. Formulate policy recommendations for local, regional and national stakeholders.
3. Provide leadership for planning, policy and research that is relevant to the community.
 - (a) To consider the long term development of health (and social services) in the region and to provide a forward-looking perspective.
4. To monitor trends in health, transport and social development and to advocate for the appropriate level of service delivery to meet the needs of the community.
5. Identify key needs and areas for improvement in health and social services in the Horowhenua.

Community Well Being Committee

1. To monitor trends in health (and social development) and to advocate for the appropriate level of service delivery to meet the needs of the community.
2. Identify key needs and areas for improvement in health (and social services) in the Horowhenua.
3. To act as a channel for community groups and organisations to access Horowhenua District Council's support and involvement in health and social development issues.
4. Provide feedback on issues and gaps in service provision to the Manawatu/Horowhenua PHO Board (in regards to primary health).
5. Monitor developments in regards to the Health Shuttle and the Health Centre to ensure continuation of the appropriate level of service delivery.
6. Promote the current services available to the community to ensure utilisation of existing resources.
7. To act as an environment in which formal and informal networking between organisations can occur.