

# Governance Statement

*Waimate 2020*

## INTRODUCTION TO THE LOCAL GOVERNANCE STATEMENT?

This section of the LTCCP contains the Local Governance Statement, which the Council is required to produce in terms of Section 40 of the Local Government Act 2002. Council is obliged to produce a new governance statement six months after each triennial election.

Waimate District Council's Governance Statement is a collection of information about the processes that Council uses to engage with the district's citizens. It outlines how Council makes decisions and shows how citizens can influence those processes. It also promotes local democracy by providing the public with information on ways they can influence local democratic processes.

The Local Governance Statement includes the following broad categories of information:

- Functions, responsibilities and activities of the local authority
- The Electoral Process and the opportunity to change it.
- Members' Roles and Conduct
- Delegations and Decision Making
- Council Meetings
- Community Involvement in Decision-Making
- Management Structures
- Public Access to Councillors
- Requests for Official Information

## FUNCTIONS, RESPONSIBILITIES AND ACTIVITIES

The purpose of the Waimate District Council is to maintain and enhance the social, economic, environmental and cultural well being of the Waimate District in the present and for the future.

The Council has overall responsibility and accountability for the proper direction and control of the Council's activities in pursuit of community outcomes. These outcomes are defined within this Long-term Council Community Plan, (refer to Volume 2).

The Council's responsibilities include:

- Producing and maintaining the Long-Term Council Community Plan (LTCCP) that outlines the strategic direction for this district as jointly formulated by the community and the council.
- Defining and executing the services and activities undertaken to support the LTCCP
- Managing principal risks that may hinder successful achievement of the plan.
- Monitoring progress on delivery of the LTCCP.
- Administering various regulations and up-holding the law.
- Ensuring the integrity of internal management control systems
- Safe guarding the public interest
- Reporting to ratepayers
- Ensuring effective succession of elected members

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## THE ELECTORAL PROCESS AND THE OPPORTUNITY TO CHANGE IT

The Waimate District Council conducts its elections for the Mayor and, all Councillors, together with all other local authorities in New Zealand, on the second Saturday in October every three years. The next election will be in October 2007.

These elections are commonly known as triennial general elections. Under certain circumstances a by-election may be held should a council seat fall vacant before the next triennial election is due.

### Election Systems

The Waimate District Council currently operates its elections under the First Past the Post electoral system. Electors vote for their preferred candidate(s), and those with the most votes, win.

The other option permitted under the Local Electoral Act 2001 is the single transferable vote system (STV). This is used in District Health Board (DHB) elections. Electors rank candidates in order of preference: Jim Bloggs, 1; Mary Smith, 2; Tipere Stevens, 3; etc.:

Successful candidates must receive a quota of the votes cast and when there are enough candidates with a quota to fill all the seats, they are elected. The quota (share of votes) that is needed for a candidate to be elected is determined by the number of seats.

Each candidates share of the number of votes cast is achieved by redistributing votes. In the first round of counting the candidates with the highest and lowest number of votes are identified. The lowest-polling candidates are then excluded. When the top polling candidates have received their quota, the second votes are redistributed, Thus, if Jim Bloggs, has a quota, the number 2 votes that his supporters have made, are allocated to their second choice. If this gives Mary Smith a quota, she is elected. This process is repeated until there are enough candidates with a quota.

### Changing the Electoral System

Under the Local Electoral Act 2001, there are three ways in which the Council's voting system can be changed.

The Council can resolve to change the system to be used at the next two elections or; it can conduct a binding poll, or electors can demand a binding poll. In the latter case, five per cent or more of the registered electors need to sign a petition demanding that a poll be held. Once changed, an electoral system must be used for at least the next two triennial (three yearly) Council elections.

Taking into account the cost of changing electoral systems, the Waimate District Council resolved, in 9th August 2005, to retain the First Past the Post system. That decision was in respect of the Triennial General Elections for Councillors and Community Board Members to be held in 2007. If the system is to change for the 2010 elections, the Council must make the decision by mid September 2008, or decide to conduct a poll by that date. Electors could demand a poll after this date.

## REPRESENTATION ARRANGEMENTS

### Wards

The Waimate District Council has 8 Councillors plus the Mayor.

There are three Councillors for the Waimate Ward, two for the Pareora-Otaio-Makikihi Ward and one each for Hakataramea, Waihao and Deep Creek Wards. The Mayor is elected by the whole District. Refer to the map on the following page showing the location of the Wards.

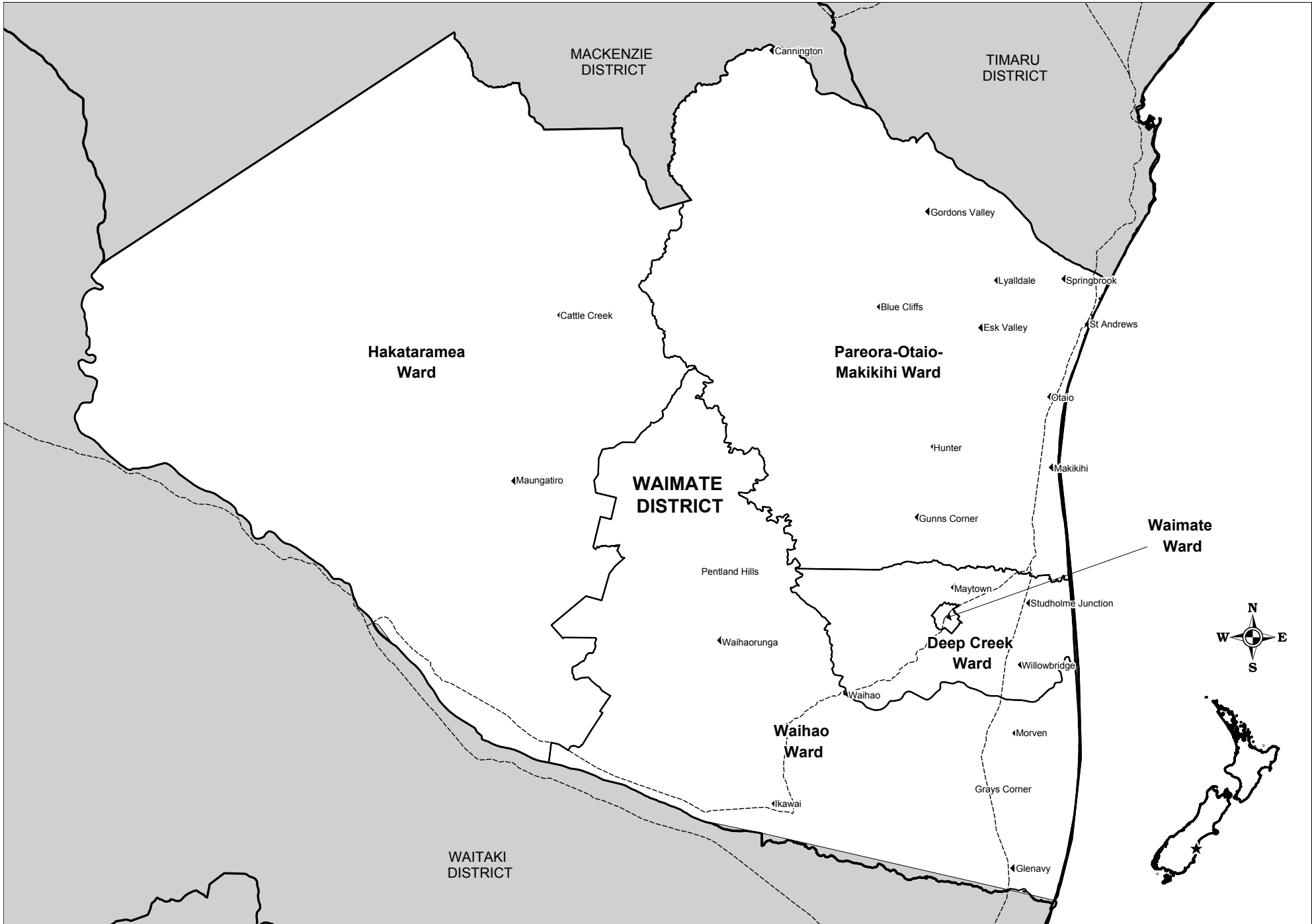
### Community Boards

The Waimate District Council has no Community Boards.

### Review Of Representation Arrangements

The Council is required to review its representation arrangements at least once every six years. This review must include the following:

- The number of Elected Members (between six and 30 including the Mayor);
- Whether the Elected Members (other than the Mayor) shall be elected by the entire district, or continue to be elected by their Ward (or a mix of both systems);



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- The boundaries and names of those wards and the number of members that will represent each ward (if election by wards is preferred);
- Whether or not to have separate Maori wards;
- Whether to have Community Boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.

The Council must follow the procedure set out in the Local Electoral Act 2001 when conducting this review and should also follow guidelines published by the Local Government Commission. The Act gives you the right to make a written submission to the Council, and the right to be heard if you wish.

Any person may appeal against any decisions on the above to the Local Government Commission, which will make a binding decision.

Further details on the matters that the Council must consider in reviewing its membership and basis of election can be found in the Local Electoral Act 2001.

The Council last conducted a review in 2000. It is not legally required to review representation again until 2006.

## THE REORGANISATION PROCESS

The Local Government Act 2002 sets out procedures, which must be followed during proposals to:

- Make changes to the boundaries of the District;
- Create one or more new Territorial Local Authorities (City or District Councils);
- Create a Unitary Authority, i.e. transfer the functions of the Canterbury Regional Council to the Waimate District Council;
- Transfer a particular function or functions to another council.

The procedures for resolving each type of proposal are slightly different. In general, they begin with a proposal from the local authority, the Minister of Local Government, or by a petition signed by 10 percent of electors.

Proposals for a boundary alteration or the transfer of functions from one local authority to another will be considered by one of the affected local authorities or by the Local Government Commission if the local authorities refer the proposal to the Commission. The Commission will deal with proposals for the establishment of a new City/District or for the creation of a Unitary Authority. These proposals cannot be implemented without a poll of electors.

Further information on these requirements can be found in the Local Government Act 2002. The Local Government Commission has also prepared guidelines on procedures for local government reorganisation.

## DECISION-MAKING AND DELEGATIONS

Refer to the figure on the next page which illustrates the main ways in which decisions are made that affect the District and the Council and where the decision-making lies, as outlined below.

The red lines show where an instruction is generated and to whom it is given. The blue lines show flows of information only.

### Who Makes Decisions and Issues Instructions?

Decision-making that affects the operations of the Waimate District Council is not just in the hands of the Council's Elected Members. This section outlines the key 'chains of command' that operate on a continuing basis and how both the central government and the Council delegate responsibilities and decision-making to others in those situations where this makes sense in terms of efficiency and specific knowledge.

#### Central Government

Government continually reviews and adds legislation that affect the everyday operations of Council or increases the responsibilities and services of the Waimate District.

Some of this legislation is passed through with little or no possibility for local modification, (as in changes to the Building Control Act), while others do provide for the District to apply its own flavour as best fits local conditions; (as in the recent Problem Gambling and Prostitution legislation).

#### Government Agencies

In a similar way, government agencies may apply strict rules on joint activities that reflect mandates from government or reinforce the intent of central government. Examples include the rules applied to government subsidies for roading, sewerage works and the like.

#### Provisions of Statutes

As well as statutes that require the District to apply regulations, there are statutes such as the Local Government Act, 2002, that outline specific responsibilities for the Council and others in decision-making.

## The Council

The Council consists of the Elected Members and the Operational Staff. The Council has its objectives defined in a general way in the Local Government Act and then creates a local environment in which to operate efficiently, defining specific roles for both elected members and staff in order to meet those objectives.

Key matters that are addressed are an effective set of delegations of authority and the provision of planning documents and policies that guide the everyday operational processes to implement the elected member's and the community's strategic view.

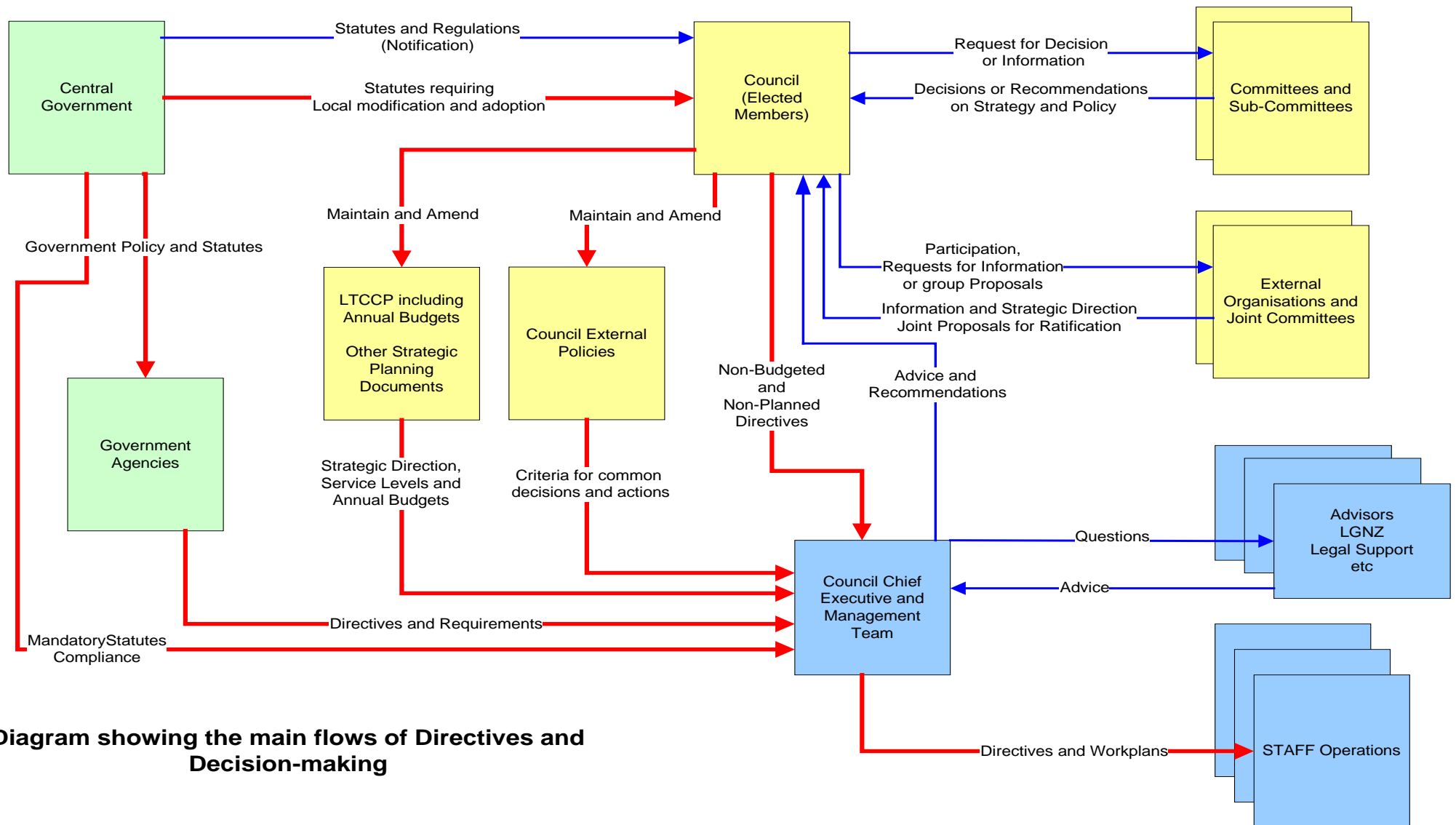
### Delegations of Authority

The Council, (meaning the Elected Members in this case), delegates many of its powers to sub-committees and staff in order to maximise efficiency, complete required workloads and manage its affairs in a timely and cost-effective manner. Some of these delegations also result from the application of statutes as already mentioned, which either direct specific decision-making or where the effect is that the elected members of Council are not able to make their own determinations or override pre-determined provisions. Most commonly this will be where the Council is executing regulations on behalf of central government.

The basic principle is that elected members retain the setting of overall policy and the adoption of strategic plans that meet the basic Local Government Act requirement to maintain and enhance the well-being, (social, cultural, environmental and economic), of the Waimate District community, while the operational staff are tasked with managing the execution of the projects and tasks that support that policy and forward plan as outlined within this LTCCP.

The Council maintains a Delegation Policy which outlines in detail the delegated authorities as summarised below. This policy is undergoing a major review at the time of drafting this document but it is intended that this upgraded policy will be adopted prior to July 1<sup>st</sup>, 2006 and available to the public from that time.

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**Diagram showing the main flows of Directives and Decision-making**

## Delegation Categories

### Statutory

The Local Government Act, in particular, and other central government legislation set out some specific responsibilities that cannot be overridden.

(NOTE: the term '**elected members, (in full)**' as used in the following list means the Council as a whole at a formal Council meeting and these responsibilities cannot be delegated to a sub-Committee or any other group. The requirement in terms of majority agreement or otherwise is usually by simple majority but some specific policies require higher levels of agreement):

Direct responsibilities are prescribed by a number of statutes such as the Local Government Act, 2002. These include,

- The elected members, (in full), are responsible for appointing a Chief Executive who is responsible for;
  - o implementing the decisions of the local authority (where lawful)
  - o ensuring that all responsibilities, duties and powers delegated to him/her or to any person employed by the local authority or imposed or conferred by an Act, regulation or by-law, are properly performed or exercised
  - o employing, on behalf of the Council, the staff of the local authority
- Only the elected members, (in full), may set rates
- Only the elected members, (in full), may adopt a by-law
- Only the elected members, (in full), may borrow money, purchase or dispose of assets, other than in accordance with the LTCCP
- Only the elected members, (in full), may adopt an LTCCP or Annual Plan
- Only the elected members, (in full), may adopt a schedule of fees and charges or make any modifications to those fees. In general such changes would be notified in an LTCCP or Annual Plan to be applied when that plan is adopted.
- Only the elected members (in full), may adopt an Annual Report
- Only the elected members, (in full), may adopt or revise Policies required by statute or developed in line with the Governance Statement. Examples of such policies can be seen in Volume 4 of the LTCCP where the financial policies are required by the Local Government Act, 2002. A specific case relates to changes to the Council's 'Code of Conduct' which requires 70% majority to approve changes.
- The Chief Executive is responsible for and may adopt policies that relate to human resources issues and internal operational processes. (See further explanation below).
- Only the elected members, (in full), may approve and issue warrants to enter private property, to specific operational staff to authorise special powers during the execution of their regulatory and statutory responsibilities.
- The elected members, (in full), issue citizenship certificates at a formal council meetings to those who have been awarded citizenship.
- The Mayor has specific responsibilities in the case of a Civil Emergency and only he/she or the Deputy Mayor in his/her absence can declare a local emergency.
- The Civil Defence controllers and their Emergency Operations Centre staff have specific responsibilities during any declared emergency. These roles are outlined in the current Civil Defence plans of the District and by Emergency Management legislation.
- The staff member appointed as Electoral Returning Officer has the responsibility for arranging and executing regular and extraordinary elections. Strict rules exist to ensure that political involvement is minimal in order to avoid any public perception of manipulation.
- The Mayor is the default chairperson for any formally convened Council meeting.
- The Chief Executive is responsible for setting Council meeting agendas and determining the content. This includes allowance for timely agenda matters that meet statutory requirements such as, for example, the timing of rates setting resolutions.

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## Regulatory

Various Statutes of Government provide for regulatory compliance services to be provided by Councils. These usually have no capability for localised modification and the responsibility for their execution passes directly through to relevant staff.

In these situations, the Council is being used by the government as the vehicle for applying central government policy.

These cover service areas such as Building Control and the application of the Resource Management Act but also the provisions that impact services contained in the like of the Rates Rebate Act.

Where the requirements are explicitly defined, there is no capability for localised decision-making on the application of the requirements or the extent to which they might be applied. As a result, there is no involvement of elected members in these matters and an automatic assumption of responsibility for administering those regulations and the responsibilities passes through the Chief Executive to specific staff.

In some cases however, there are requirements for localisation as in the Problem Gaming Act which required the Council to define local policy. In these cases, the responsibility for adoption of the required Policies or By-Laws lies with the elected members of the Council.

Current regulatory functions include directives of many statutes of which the following are some of the most common, (see page 58 of this volume for a more detailed list of relevant legislation):

- Building Control Act
- Resource Management Act
- Dog Control Act
- Health Act
- Sale of Liquor Act
- Gaming Act
- Rates Rebate Act

Many of these require warrants to be issued to Council staff by elected members as referred to above under the statutory responsibilities.

## Strategic and Political Decisions

The council is responsible for strategic decision-making, often with requirements for community consultation. These decisions are not delegated to operational staff. The Council's Significance Policy, WDC Policy Document No. 301, sets out the framework for determining what decisions are subject to consultation with the community as a whole.

The elected members are responsible for adopting an LTCCP as a strategic plan for the District that meets the Community's needs and which the community has accepted. With time, changes may become necessary as conditions change, the structure of the community changes, and so on.

All decisions that result in a need to modify the plan are, by definition, amendments to the plan and require Council adoption, usually following community consultation on the matter. In the same way, changes to any of the policies or other plans that expand the detail of the LTCCP as it impacts the public are subject to the same decision-making approach. Examples include the Waimate District Plan.

Decisions in this area include:

- Changes to the provisions of the LTCCP.
- Changes to Policies that address areas which directly impact the community at large and the well-being of the community.
- Changes to the Waimate District Plan
- Adoption of Economic Development Policies
- Those issues which have undergone the Special Consultative Procedure and where submissions must be processed and accepted or rejected
- Spending or revenue remissions that are not budgeted or represent significant changes from budget

## Decision-making by sub-Committees

Sub-Committees of Council and outside organisations to which some Council members are appointed may be empowered through those selected members to effectively act in some matters on behalf of the Council as a whole.

The Council uses sub-Committees and portfolios as a means to spread elected members' workloads, sharing available time to maximise productivity, and to provide for development of expertise in specific areas.

Sub-committees can be delegated specific powers and responsibilities on behalf of the elected members as a whole, (excluding those responsibilities that have a statutory mandate for decision-making by the Council as a whole as in the section above on Statutory requirements).

The actual delegated responsibilities of each sub-committee are covered by a Statement of Intent or a Memorandum of Understanding outlined in the full Delegations Policy document.

The same applies to any external organisation or joint committees where the Council has official representation: that is; the elected member(s) are members of the group because they are Councillors or the Mayor and not as private individuals.

## Financial

Specific spending is delegated to operational staff with limits set on maximum amounts and relationship to confirmed budgets. This enables everyday operations to proceed without intervention from elected members that would add no value.

The oversight and control of the accountability of staff in terms of prudent financial management is managed by the statutory appointment of the Council's auditors.

A key group of delegations cover the everyday financial operations of Council.

There are two parts to the criteria that determine authorities of this type. Firstly there are a set of financial policies, (refer to Volume 4 of the LTCCP for these policies), that provide the overall rules with regard to the likes of borrowing and investment of funds. The staff are empowered to act as required within these rules and only the elected members, (in full), can authorise any exceptional situation that breaches these rules where they have been set by the

Council, (ie; statutory rules cannot be overridden).

The second set of criteria cover the authorisation of expenditure setting for individual staff positions, which provide limits on the level of expenditure each can individually authorise. In general these are set so that normal expenditure in line with Council approved budgets, can proceed with no need for elected member involvement.

Major contracts that have been subject to a public tendering process are usually subject to a Council overview at a formal meeting.

The sub-sections of general financial operations covered by financial limits are as follows:

- Operating Expenditure

Normal external ordering of supplies and services relating to non-capital operations.

- Personnel Expenditure

Salaries, training and staff development and related costs.

- Capital Expenditure

Ordering of capital items in line with already approved budget items.

- Revenue Generation

Authorisation of items that impact the generation of revenue such as lease of Council property.

In general, remissions of fees or charges can only be granted by the elected members, (in full), except where covered explicitly by legislation or policy, (such as government rates rebates schemes).

As noted earlier, the setting and changing of fees and charges is the responsibility of the elected members.

- Credit Approval

Most of the criteria that apply for credit approval are set out in the financial policies. Otherwise they are restricted to specific credit occasions and a very small set of empowered staff.

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## Operational

Many activities are managed at the operational level where it is not practical for the elected members to be involved and where there is not considered to be a need for decision-making at the Council level. These decisions are the result of executing the policies and strategic plans that the Council has adopted and/or carrying out those functions that are prescribed by central government legislation and in line with programs of work that match the Council's approved budgets.

The daily operations of the Council are broad in scope as well as being subject to significant requirements for compliance with regulated practices and methodologies that are designed to ensure that statutory compliance is achieved and the district's citizens' interests are being protected.

Some of the operational matters that are delegated to the Chief Executive and, through him/her to the staff include:

- Working with Audit New Zealand to successfully complete annual audits of the Council's finances and the audits of the LTCCP whenever they are required.
- The Chief Executive is responsible for and may adopt policies that relate to human resources issues and internal operational processes.
- Working with the Council's solicitors to ensure legal compliance of the Council's activities and decisions and to assist when legal services or opinions are required.
- The preparation and publishing of all official documents of the Council including the LTCCP or Annual Plan, the Annual Report, District Plan, Policies and the like, in accordance with the elected members' decisions.
- The maintenance and upgrading of utilities such as Roading, Waste Water reticulation and treatment systems, Water Supplies, Waste Collection and Disposal in line with confirmed budgets and approved strategic plans.
- The sealing of many official documents on behalf of the council. For example, the signing of contracts involving the Council as a party, and the signing of land subdivision and similar land registry documents.

## MEMBERS' ROLES AND CONDUCT

### Division of Responsibility Between the Council and Management

A key to the efficient running of any council is that there is a clear division between the role of Elected Members and that of management.

The Local Government Act 2002 sets out a series of governance policies that support the principles of local government. The Council must adopt a Local Governance Statement.

These statements;

- clarify the governance and the management responsibilities
- clarify the governance role of Elected Members
- describe the expected conduct of Elected Members
- describe the effective, open and transparent processes used by Council
- ensure separation of regulatory and non-regulatory responsibilities
- explain the good employer requirements

Local Governance Statements ensure the community has information on the processes the Council follows when making decisions and taking action, and how the community can influence these processes.

While many of the Council's functions have been delegated, the overall responsibility for maintaining effective systems of internal control ultimately rests with the Council.

Internal control includes the policies, systems and procedures established to provide measurable assurance that specific objectives will be achieved.

### Codes of Conduct

Schedule 7 clause 15 of the Local Government Act 2002 required every council to adopt as soon as practicable after 1 July 2003, a Code of Conduct for the Elected Members of the Council (the Mayor and Councillors). Waimate District Council adopted its Code on 17 June 2003 which was incorporated in the 2003/2004 Annual Plan.

This code also applies to all people appointed to Committees or Sub-Committees of Council.

Waimate District Council's Code of Conduct provides guidance on the standards of behaviour expected from Elected Members in their dealings with:

- each other
- the Chief Executive
- staff
- the media
- the general public

The objectives of the code are to enhance:

- the effectiveness of the Council as a good local government for the District
- the credibility of the Council
- mutual trust, respect and tolerance among members as a group and between members and those people they deal with in the course of their duties

## Principles

The code of is based on the following principles:

- **Public interest.**  
Members must serve the interests of the District as a whole. Their primary duty is to the interests of the entire District, not just the Ward that elected them.
- **Honesty and integrity.**  
Avoiding situations where their honesty and integrity may be questioned.
- **Objectivity.**  
Making decisions on merit, (including when making appointments, awarding contracts, or recommending individuals for rewards or benefits).

- **Accountability.**

Being accountable to the public for their actions and the manner in which they carry out their responsibilities.

- **Openness.**

Being open about their actions and those of the Council, and prepared to justify their actions.

- **Personal judgment.**

Taking account of the views of others, but reaching their own conclusions on the issues before them.

- **Respect for others.**

Promoting equality by treating people with respect, regardless of ethnicity, nationality, age, religion, gender, sexual orientation or ability or disability.

- **Duty to uphold the law.**

Upholding the law and always acting in accordance with the trust the public places in them.

- **Stewardship.**

Ensuring that the Council uses its resources prudently and legally and maintains sufficient resources to meet its statutory obligations to present and future generations.

- **Leadership.**

Always providing leadership by example.

## Applicable Statutory Requirements

Elected members are bound by a number of statutes that control their behaviour or responsibilities. These are as follows:

### Local Government Act 2002

Under Section 46(1) Local Government Act 2002, Councillors

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can be held liable for losses reported by the Auditor-General under section 44 of the same Act, resulting from negligence or unlawful action by the elected Council.

Under Schedule 7 clause 1 Local Government Act 2002, any Elected Member (the Mayor, or a Councillor) will be disqualified if they cease to be an elector or become disqualified for registration as an elector under the Electoral Act 1993, or are convicted of an offence punishable by a term of imprisonment of two years or more.

## **The Local Authority (Members' Interests) Act 1968**

The Local Authority (Members' Interests) Act 1968 regulates the circumstances under which a member has a pecuniary interest in a matter before the Council. Nobody may be elected to a Council, or once elected, remain a member, if the value of contracts between the Council and that member exceed \$25,000 in any financial year.

Nor may a member participate in the discussion or voting on a matter in which the member has a direct or indirect pecuniary interest, except an interest in common with the public.

If members are convicted of a breach of this requirement they will be automatically be disqualified from office. They may also be fined up to \$100. A disqualified member may, however, stand for election at a by-election.

## **The Local Government Official Information And Meetings Act 1987**

The obligations of the Local Government Official Information And Meetings Act 1987 ("LGOIMA") are binding on members and apply to the disclosure of information by a member in respect of any information held by that member (in his or her capacity as member) to a member of the public.

The underlying principle is that unless there is good reason to withhold it, information should be made available. Sections 6 and

7 of this Act give a number of grounds for withholding disclosure.

The LGOIMA also sets out the procedural requirements for meetings of local authorities, the publication of agenda, procedures for discussion with the public excluded and access by the public to the minutes of meetings.

## **The Secret Commissions Act 1910**

The Secret Commissions Act 1910 makes it unlawful for a Member (or officer) to advise anyone in respect of entering or not entering into a contract with a third person in relation to the business of the Council and/or receive a gift or reward from anyone outside the Council in return for advice or services in relation to the business of the Council, or to present false receipts to the Council.

## **The Crimes Act 1961**

The Crimes Act 1961 makes it unlawful for Members to accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Council, or use information gained in the course of the member's duties for monetary gain or advantage by the Member, or anyone else.

## **The Securities Act 1978**

The Securities Act 1978, places Members in the same position as company directors whenever the Council offers shares in a company to the public.

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.

## GOVERNANCE, MEMBERSHIP AND DELEGATIONS

### Independent election

The Council believes that its democratic election by citizens of Waimate District Council provides a mandate to operate in the best interests of the District.

### Council Meetings

There are six types of meetings that Councillors are required to attend. These are:

- Full Council Meetings

Full Council Meetings take place once a months, except January although a meeting may be called if there is sufficient business early in the year, and are usually held on the third Tuesday of the month.

- Special Council Meetings

Special meetings are called from time to time for specific purposes such as the adoption of rates or to meet a deadline that the normal Full Council meeting does not effectively match. Otherwise they are similar in format to a Full Council Meeting

- Emergency Council Meetings

Emergency meetings are called rarely and must have a specific urgent reason for taking place. They are only called if there is insufficient time for a Special Meeting to be called. The requirements for public advertisement are relaxed but the results of these meetings must be fully publicised.

- Sub Committee Meetings

Sub Committees are special groups, usually created for a specific activity. Their meetings are held whenever convenient and whenever their operations demand it.

- Council Workshops

The other type of meeting that councillors commonly attend are Workshops. These are used for working sessions, typically when generating new policies, where the formal meeting environment is not appropriate. These are held on the first Tuesday of each Month except January and as required.

The purpose of the Full Council and Standing Committee Meetings is to devise District Policy, make decisions that enhance the Community's well-being, monitor Management activities and to ensure the affairs of the council are being conducted in accordance with legislative mandate and Council objectives.

The Council also monitors the performance of Council organisations and Council controlled organisations.

### Council Sub Committees

The council sets up sub committees from time to time to deal with specific functions and activities. These sub committees report directly to Council.

Sub committees may contain members other than elected members and may or may not be given the "Power to Act" which means that they may be able to make decisions on behalf of the relevant committee.

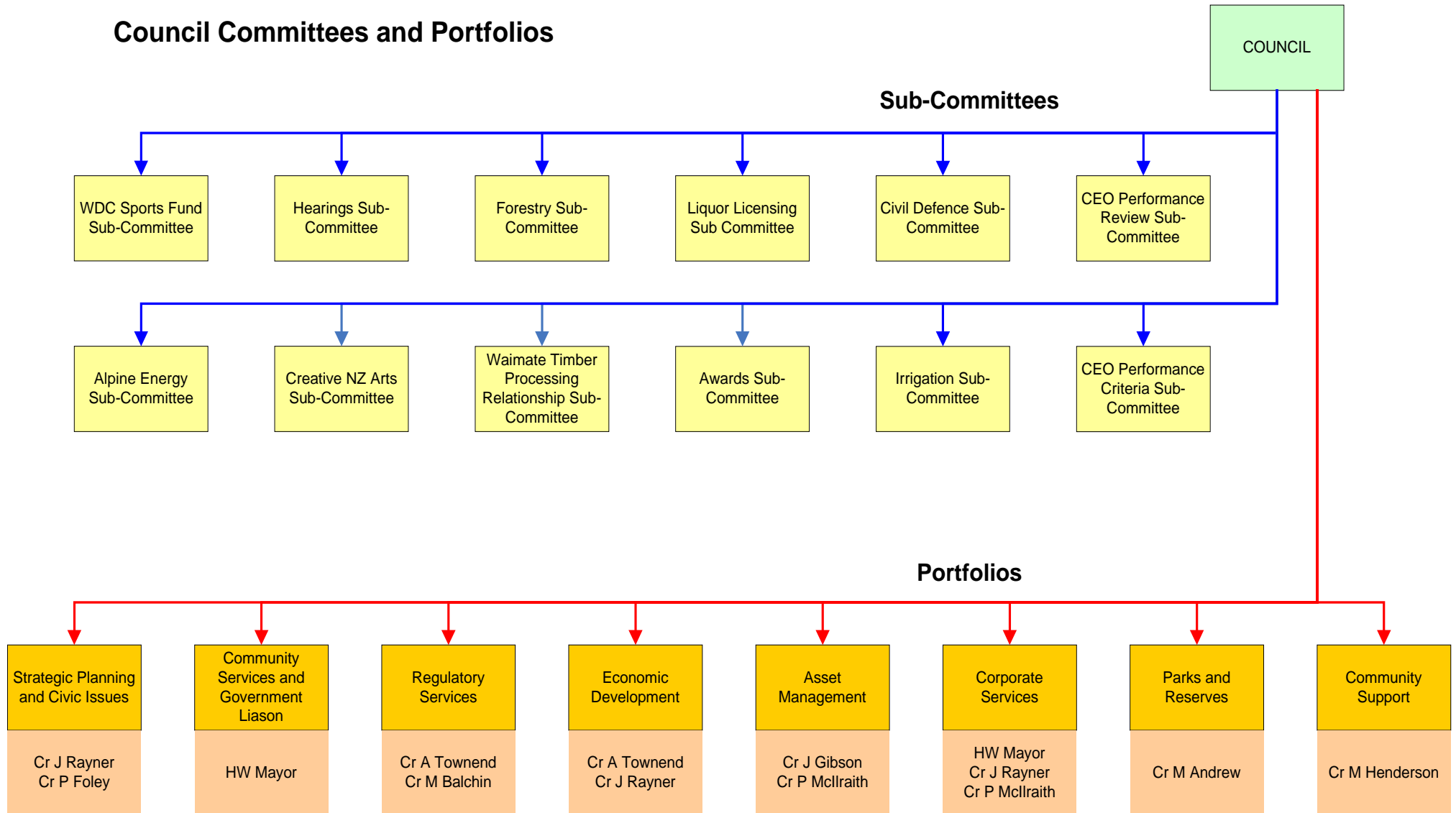
See pages 31 and 32 for details of the Council's current Committees and their membership.

### Member Portfolios

The Council has identified special areas of interest called Portfolios which are assigned to Elected Members as a means of sharing the overall workload and to allow special expertise to be generated where appropriate. Refer to pages 31, 33 and 34 for details of the current assignments as they relate to the activities described in Volume Three of the LTCCP.

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## Council Committees and Portfolios



## Council Sub-Committees - Membership

WDC Sports Fund Sub-Committee	Alpine Energy Sub-Committee	Planning Hearings Sub-Committee
<p>His Worship the Mayor (ex Officio) Councillor Townend (Chair) 4 Public Members</p>	<p>His Worship the Mayor (Chair) Councillor Townend Councillor Rayner</p>	<p>Councillor Gibson Councillor McIlraith Councillor Townend Councillor Rayner</p>
<p><b>Brief Terms of Reference</b></p> <p>The Sports Fund Sub-Committee receives applications and determines the amounts to be granted within the limits of the budget set annually by Council.</p> <p>The Sub-Committee have power to make the determinations in accordance with prescribed criteria.</p>	<p><b>Brief Terms of Reference</b></p> <p>The Alpine Energy Sub-Committee monitors the Council Shareholding in the Company through the published Statements of Intent, interaction with the Council's appointed Director and attendance at Shareholder Meetings.</p> <p>The Sub-Committee makes recommendations to Council when required but does not have power to act.</p>	<p><b>Brief Terms of Reference</b></p> <p>The Planning Hearing Sub-Committee provides the pool of Elected Members to undertake hearings on Resource Management Consents where they are handled directly without the use of an independent Commissioner.</p> <p>A hearings panel may be expanded to include other interest; in particular where it effects Maori.</p> <p>The Planning Hearing Sub-Committee have the power to make RMA decisions in accordance with legislation.</p>
<p><b>Creative NZ Arts Sub-Committee</b></p> <p>His Worship the Mayor (ex Officio) Mrs N A Wright (Chair - public member) Councillor Henderson 5 Public Members</p>	<p><b>Forestry Sub-Committee</b></p> <p>His Worship the Mayor (Chair) Councillor Gibson Councillor Rayner</p>	<p><b>Waimate Timber Processing Relationship Sub-Committee</b></p> <p>His Worship the Mayor Councillor Rayner Councillor McIlraith (Chair)</p>
<p><b>Brief Terms of Reference</b></p> <p>The Council has a Memorandum of Understanding with Creative New Zealand to provide a Sub-Committee that involves Elected Members and general public to administer the Grants Programme on behalf of Creative NZ.</p> <p>The Sub-Committee has the power to determine the value and recipients of Grant funds in accordance with prescribed criteria..</p>	<p><b>Brief Terms of Reference</b></p> <p>The Forestry Sub-Committee monitors the Forestry Assets of the Council and their management, harvesting and planting.</p> <p>The Forestry Sub-Committee reports to Council but does not have direct power to act.</p>	<p><b>Brief Terms of Reference</b></p> <p>The WTP Relationship Sub-Committee monitors matters relating to the Council's financial dealings with Waimate Timber Processing Limited which includes a loan and a former contract for the supply of logs from the Council's Forests.</p> <p>This Sub-Committee doesn't have power to act but works with and advises the staff as necessary.</p>

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<p align="center"><b>Liquor Licensing Sub-Committee</b></p> <p>His Worship the Mayor (ex Officio) Councillor Foley (Chair) Councillor Balchin Councillor Townend</p>	<p align="center"><b>Awards Sub-Committee</b></p> <p>Public Members Only</p>	<p align="center"><b>Civil Defence Sub-Committee</b></p> <p>His Worship the Mayor (Chair) Councillor Balchin</p>
<p align="center"><b>Brief Terms of Reference</b></p> <p>The Liquor Licensing Sub-Committee grants Special Licenses, renews On and Off Licenses, Managers Certificates and approves Temporary Authorities in accordance with the Sale of Liquor Act 1989 where the Liquor Licensing Secretary is unable to process applications within the standard requirements of the Act.</p> <p>This Sub-Committee has the power to act within the limits set by Statute and the Liquor Licensing Authority.</p>	<p align="center"><b>Brief Terms of Reference</b></p> <p>The Awards Sub-Committee receives and considers nominations for awards for people who have enhanced the well-being of the District.</p> <p>The Sub-Committee has power to act in determining suitable recipients.</p>	<p align="center"><b>Brief Terms of Reference</b></p> <p>The Civil Defence Sub-Committee monitors operations related to Civil Defence preparedness and planning and reports to the Council as required.</p> <p>This Sub-Committee has no power to act.</p>
<p align="center"><b>Irrigation Sub-Committee</b></p> <p>His Worship the Mayor (Chair) Councillor McIlraith Councillor Balchin 2 Public Members</p>	<p align="center"><b>CEO Performance Review Sub-Committee</b></p> <p>2 Councillors 1 Public Member</p>	<p align="center"><b>CEO Performance Criteria Sub-Committee</b></p> <p>His Worship the Mayor Councillor Rayner Councillor McIlraith Councillor Townend One Public Member</p>
<p align="center"><b>Brief Terms of Reference</b></p> <p>The Irrigation Sub-Committee provides an interface between the Council and the South Canterbury Irrigation Trust.</p> <p>This Sub-Committee has no power to act but reports to the Council as required.</p>	<p align="center"><b>Brief Terms of Reference</b></p> <p>The CEO Performance Review Sub-Committee is responsible for carrying out Performance Review of the CEO every 6 months in accordance with agreed Criteria.</p> <p>This Sub-Committee has the power to carry out Reviews and present its results to the Council for approval.</p>	<p align="center"><b>Brief Terms of Reference</b></p> <p>The CEO Performance Criteria Sub-Committee is responsible for ensuring that the Performance Indicators for the CEO are up to date and minuted.</p> <p>This Sub-Committee has the power to make amendments to the Performance Indicators as required.</p>

Councillor Portfolios as at March 2006		
Major Activities	Includes	Councillors with this Portfolio
<b>Strategic Planning and Civic Issues</b>	Strategic Planning Long term Council Community Plan and Annual Plans Community Consultation Business Management Civic Issues Policy Development	Councillor Jim Rayner Councillor Peter Foley
<b>Community Services and Government Liason</b>	Liason with Media Mayor's Taskforce for Jobs Management Team Government Liason	His Worship the Mayor, John Coles
<b>Regulatory Services</b>	Civil Defence Environmental Health Licensing and Inspection Resource Planning Services Building Control Dog and other Animal Control Noise Control Liquor and Gaming Machine Licensing	Councillor Anne Townend Councillor Mike Balchin
<b>Economic</b>	Economic Development	Councillor Anne Townend Councillor Jim Rayner
<b>Asset Management</b>	Roading Sewerage Disposal and Treatment Stormwater Disposal Urban Water Supplies Rural Water Supplies Solid Waste Collection and Disposal	Councillor James Gibson Councillor Peter McIlraith

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Councillor Portfolios as at March 2006		
Major Activities	Includes	Councillors with this Portfolio
<b>Corporate Services</b>	Annual Report Budgeting Financial Accounting Rating Information Management GIS Services (Mapping) Property Management Support for Elected Members	His Worship the Mayor, John Coles Councillor Jim Rayner Councillor Peter McLraith
<b>Parks and Reserves</b>	Formal Gardens Knottingley Park Sports Facilities Wilderness Reserves Swimming Pool Cemeteries Camping Facilities	Councillor Mavis Andrew
<b>Community Support</b>	District Library Services District Promotions Public Relations Community Grants Council and District Websites Social Services	Councillor Matt Henderson

## Public Access to Meetings

In general, meetings of the council are open to any member of the public to attend. This applies to regular and special meetings.

Permission to speak may be granted from time to time by the Chairman of these meetings. All regular Full Council meetings shall be publicly notified not more than 14 days and not less than 5 days before the end of every month.

## Special case - Emergency Meetings

Emergency meetings can be called without prior advertisement if actions must take place before the usual advertisement period elapses, but are immediately followed by publication of any decisions reached or resolutions made. There must be a valid reason why the 'Emergency' status was applied.

The lack of pre-advertising makes it difficult for members of the public to be aware that these meetings are occurring, but they are rarely required.

## Workshops

Workshops are designed as sessions where Councillors, and often staff, can work jointly on developing plans and policies etc. Members of the public may be invited to participate but these workshops are not publicly advertised and are not normally open to the public.

## Meeting Agendas

Agendas for all scheduled meetings are available from the council offices at least two working days before each meeting.

## Public-excluded sessions

All meetings may have a publicly excluded session otherwise known as "In Committee", where public and representatives of the press are required to vacate the meeting. However such sessions can only be called under a set of circumstances limited to the following:

- To protect individual's privacy
- To protect information that would disclose trade secrets.
- To protect information that would unreasonable prejudice the commercial position of individuals.
- To protect information which is subject to an obligation of confidence
- To avoid measures which would reduce the health and safety of members of the public
- To avoid causing material loss to the members of the public
- To protect people against harassment
- To maintain legal professional privilege
- To enable the WDC to carry out commercial activities and negotiations
- To prevent the disclosure of official information for improper use.

## MEETING PROCESSES - Summary

The legal requirements for council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All Council meetings must be open to the public unless there is reason to consider some item with the public excluded. Although meetings are open to the public, members of the public do not have speaking rights. On occasions the Council may grant speaking rights to individuals or organizations when the Council considers they may be able to assist the decision-making process.

The LGOIMA contains a list of the circumstances where councils may consider items with the public excluded. (These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information and, the maintenance of public health, safety and order).

The Council agenda is a public document, although parts may be withheld if the above circumstances apply.

The Mayor or any other appointed chairman is responsible for maintaining order at

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meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of the Council who does not comply with Standing Orders (a set of procedures for conducting meetings)

Minutes of Council meetings must be kept and made publicly available, subject to the provisions of the LGOIMA.

For an ordinary meeting of the Council, at least 14 days notice of the time and place of the meeting must be given. Extraordinary meetings can generally be called on 3 working days notice, however, if 5 days notice is given the resolutions passed at that meeting need not be advertised (S51A LGOIMA 2004).

During meetings of the Council all Council participants (the Mayor or Chair, Councillors or Members) must follow Standing Orders unless Standing Orders are suspended by a vote of 75 per cent (or more) of the members present.

Copies of the Code of Conduct and of Standing Orders can be obtained from the Council's Administration Officer.

## LEGISLATIVE COMPLIANCE

The Council is a regulatory body administering various regulations and laws. It must also comply with all relevant legislation. To help it comply with applicable legislation the Council takes external legal advice.

## COMMUNITY INVOLVEMENT IN DECISION MAKING

### Council Role

The council is required to make decisions that range from day-to-day operational matters through to those surrounding the whole Community's long term vision.

The processes for dealing with decision-making require us to look at each issue and then see which of the following two groups it most closely fits into:

- Those that require community consultation and/or community knowledge to complete.
- Those which the Council can proceed to make without the need for specific consultation.

Each group has its own requirements for how a decision will be reached and greatly different expected resulting timescales. In Volume Four of this plan, we have included the Council's Policy number 301, which is called "Policy on Significance". This describes how a decision is judged to be "significant" (requires consultation) or "not significant" (not requiring consultation).

When the community must be consulted, the process used is known as the Special Consultative Process. This is, in reality, not a fixed process, but rather, a group of possible methods from which one or more are chosen to fit the specific circumstances. The Waimate District's Special Consultative Process is described later in this Volume as part of the Council's general Consultation Policy.

### The Importance of the LTCCP

**The LTCCP is of key importance as it can often guide the Council to making decisions in accordance with the Community's wishes and expectations without having to resort to direct consultation with its resulting delays.**

There will, however, always be factors that create issues where the LTCCP is likely to require changes or enhancement and, in these situations, the Special Consultative Process will be needed.

## CONSULTATION POLICY

### Community Consultation Policy

The Council has adopted a Community Consultation Policy which provides guidelines to Elected Members and Staff for consultation based on the principles outlined in the LGA, 2002.

This Policy is included later in this Volume of the LTCCP.

The Council may be required to use the Special Consultative Procedure under other legislation and it may use this procedure in other circumstances if it wishes to do so.

### Rural Water Scheme Committees

The Council also works in association with Committees that represent the interests of some of the rural water schemes within the District. The following schemes exist:

- Lower Waihao
- Cannington/Motukaika
- Waihaorunga
- Otaio/Makikihi
- Waikakihi
- Hook/Waituna

Details of these schemes can be found in the Assessments in Volume 5 of the LTCCP.

Two further schemes exist known as the Hakataramea and Cattle Creek Water Schemes and these are currently managed directly by the local Committees including maintenance and upgrading.

Originally, these water schemes were created as co-operative enterprises with inputs of capital and sometimes labour, from potential consumers. The Committees then represented the interests of those consumers by managing expansion of, and new connections to the scheme, so that expectations of existing users were not compromised. They also set annual rates for the water and approved, or otherwise, capital investment in the schemes.

The Local Government Act, 2002, reinforced the principle that the ultimate responsibility for water schemes lies with the Council and it must continue to provide water to maintain the well-being of its residents.

The current situation is that the Committees:

- work with the Council engineers to set the annual rates
- work with the Council engineers to determine the capital works programme
- approve extensions to the scheme
- approve new consumers to be added

The District Council:

- works with the schemes as above on rates and investment
- supplies maintenance services to the schemes 24 hours a day and 7 days a week
- executes all expansion work and new connections
- maintains all accounting for the schemes
- also includes accounts for the Hakataramea and Cattle Creek schemes in its consolidated accounts

New Drinking water standards being released by the Government are putting pressure on the schemes by potentially requiring large capital injections and planning is currently underway on how to best fit the needs to the mix of statutory demands, long-term benefits of the upgrades, the resulting matching of benefit to funding and the options that exist for each individual scheme.

The Committees are elected by consumers to the relevant scheme on a triennial basis.

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## MANAGEMENT STRUCTURES AND RELATIONSHIPS

### Chief Executive

The Local Government Act 2002 requires the Council to employ a Chief Executive whose responsibilities are to employ other staff on behalf of Council, implement Council decisions and provide advice to the Council. Under the Act the Chief Executive is the only person who may lawfully give instructions to a staff member. Any complaint or compliment about individual staff members should, therefore, be directed to the Chief Executive, rather than the Mayor or Councillors.

### Organisational Structure

The organisational structure of the Council is displayed in the Organisation Charts on the following pages.

### Responsibilities: CEO's Department

- Strategic Planning
- The LTCCP
- Community Consultation
- Policy generation
- Business Management
- Human Resources including training
- Liason with Central Government and other Local Bodies
- Civic Issues
- Liquor and Gaming Machine Licensing

### Responsibilities: Community Services

- District Library Services
- District Promotions

- Public Relations
- Liason with the Media
- Economic Development initiatives
- Community Grants
- Social Services
- Council and District Websites

### Responsibilities: Corporate Services

- Administration Support
- Information Management
- Legal and Insurance Services
- Annual Report
- Budgeting
- Financial Accounting
- Management Accounting
- Payments
- Purchasing
- Rating
- Revenue Collection
- Payroll
- GIS Services (Mapping)
- Support for Elected Members
- Property Management
- Forestry Management

## Responsibilities: Asset Management

- Roothing
- Sewerage Disposal and Treatment
- Stormwater Disposal
- Urban Water Supplies
- Rural Water Supplies
- Solid Waste Collection and Disposal

## Responsibilities: Parks and Reserves

- Formal Gardens
- Knottingley Park
- Sports Facilities
- Wilderness Reserves
- Rural Reserves
- Swimming Pool
- Cemeteries
- Camping Facilities

## Responsibilities: Planning and Regulatory

- Environmental Health Licensing and Inspection
- Resource Planning Services
- Building Control
- Civil Defence
- Elections Management
- Dog and other Animal Control
- Noise Control

## EQUAL EMPLOYMENT OPPORTUNITIES POLICY

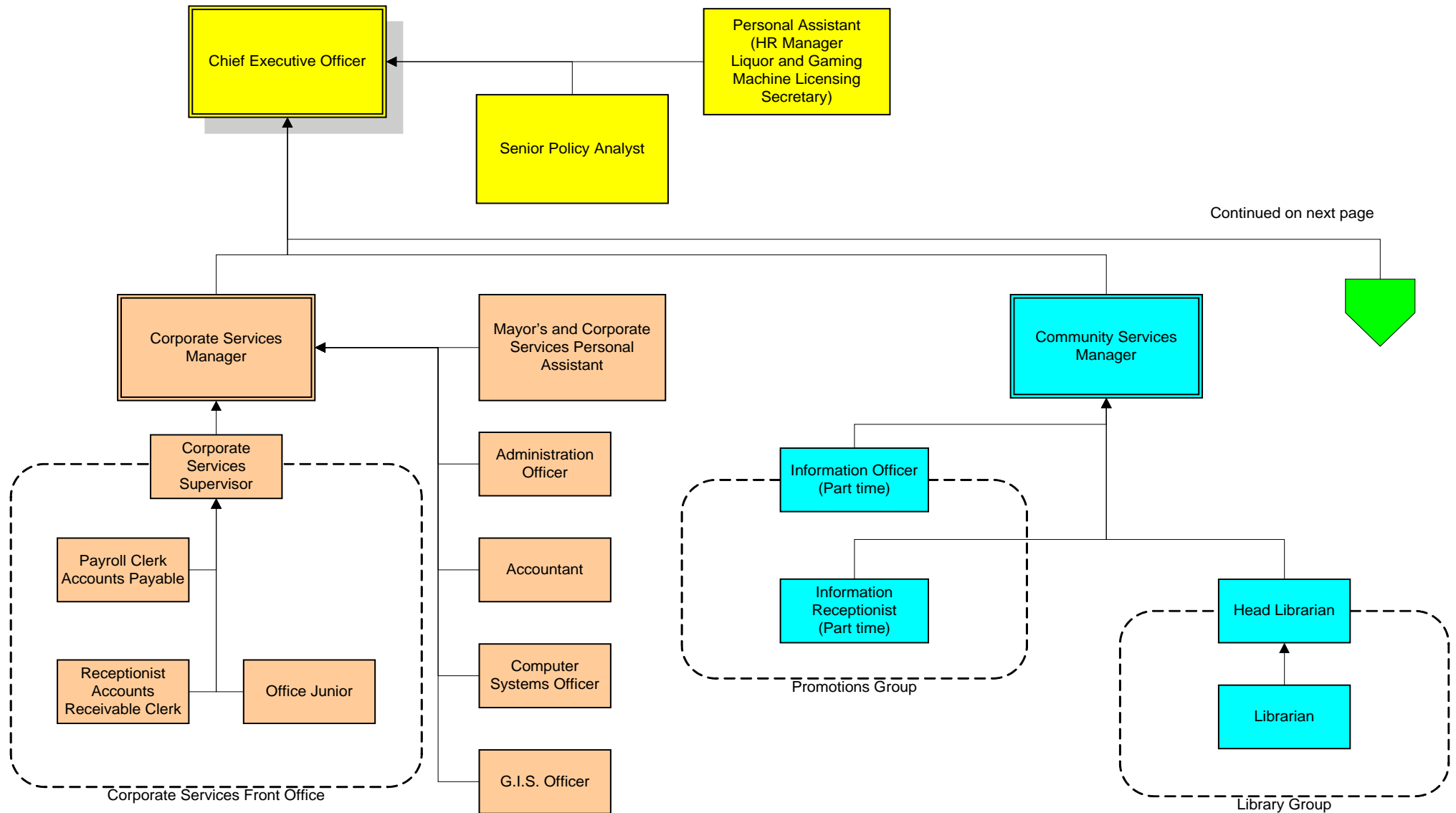
Equal Employment Opportunities (EEO) is an integral component of the human resource management strategies of Waimate District Council.

These strategies will provide the linchpins for ensuring the elimination of any practices and attitudes that inhibit the recruitment and advancement of staff, particularly: women, Maori, ethnic and minority peoples and people with disabilities.

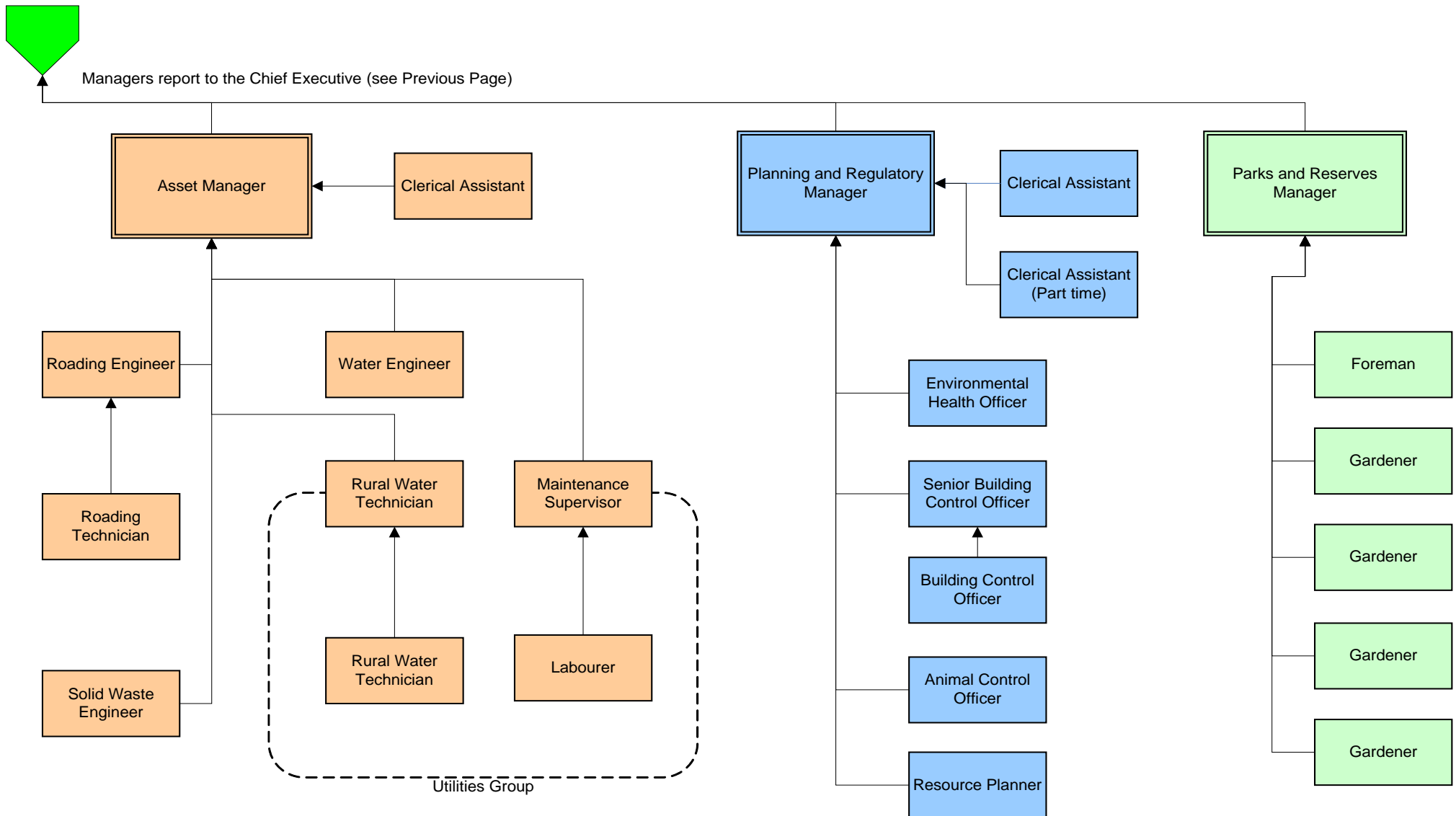
The use of job sharing, flexible work hours and the ability to respond to personal and family crises will be paramount in ensuring Waimate District Council is recognised as an employer of choice. Recruitment and selection processes are transparent in application for identifying and employing the best person for the position, regardless of age, gender, ethnicity, religion, sexual preference, disability and/or political beliefs. The diversity and skills of the staff of Waimate District Council will continue to grow.



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## REQUESTS FOR OFFICIAL INFORMATION

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from the Council. You do not have to say you are making a request under LGOIMA. Any request for information is a request made under LGOIMA because this is automatic.

Once a request is made the Council must supply the information unless reason exists for withholding it. The LGOIMA says that information may be withheld if release of the information would:

- endanger the safety of any person;
- prejudice maintenance of the law;
- compromise the privacy of any person;
- reveal confidential or commercially sensitive information;
- cause offence to tikanga Maori or would disclose the location of waahi tapu;
- prejudice public health or safety;
- compromise legal professional privilege;
- disadvantage the local authority while carrying out negotiations or commercial activities;
- allow information to be used for improper gain or advantage.

The Council must answer requests within 20 working days (although there are certain circumstances where this time-frame may be extended). The Council may charge for official information under guidelines set down by the Ministry of Justice.

The Chief Executive has requested that all requests be forwarded through one contact so that each can be monitored to ensure compliance with the time frames contained within the legislation.

Council Staff will ensure that any formal requests for official information are forwarded within 24 hours of receipt to the Council's Policy Analyst, Lynda Ramsay, ext: 869.

## PUBLIC ACCESS TO THE COUNCIL AND ITS ELECTED MEMBERS

Mayor	Deputy Mayor	Councillor
<p>John Coles Kohika, RD 1, TIMARU Ph 03 612 6486 Cel 021 139 5073 Fax 03 612 6486 Email Pine_Ridge@xtra.co.nz (home) johncoles@waimatedc.govt.nz (work)</p>	<p>James Ottrey Rayner (Jim) Maytown Road, No 8 RD, WAIMATE Phone 03 689 7416 Cell 021 447 009 Fax 03 689 7420 Email joray@xtra.co.nz Ward Waimate</p>	<p>Mavis Lillian Andrew 11 Elizabeth St, WAIMATE Phone 03 689 8549 Cell 025 343 059 Fax 03 689 8444 Email pintsize@xtra.co.nz Ward Waimate</p>
Councillor	Councillor	Councillor
<p>Michael John Balchin Webbs Road, Springbrook, 2 RD, TIMARU Home: 03 612 6711 Work: 03 612 6698 Cell 021 231 0895 Fax 03 612 6712 Email mjbalchin@xtra.co.nz Ward Pareora-Otaio-Makikihi</p>	<p>Peter John Foley Nukuroa, 10 RD, WAIMATE Phone 03 689 9813 Fax 03 689 9813 Email Ward Deep Creek</p>	<p>James Sydney Gibson Armstrong Road, RD 7, WAIMATE Phone 03 689 2725 Cell 025 602 3003 Fax 03 689 2702 Email james.nicky@xtra.co.nz Ward Waihao</p>

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Councillor	Councillor	Councillor
<p>Peter Field McIlraith Glenmac, Hakataramea, RD, KUROW Phone 03 436 0695 Cell 025 280 3133 Fax 03 436 0696 Email peterfmcilraith@xtra.co.nz Ward Hakataramea</p>	<p>Matthew MacGillivray Henderson (Matt) 6 Saul Shrives Place, WAIMATE Home: 03 689 8946 Email mandlh@xtra.co.nz Ward Waimate</p>	<p>Anne Mary Townend Hook Station Road, RD 8, WAIMATE Phone 03 689 5900 Cell 021 1599 796 Fax 03 689 5900 Email anne4wdc@xtra.co.nz Ward Pareora-Otaio-Makikihi</p>