




# GOVERNANCE STATEMENT

## 2019 – 2022

(07) 315 3030 [www.odc.govt.nz](http://www.odc.govt.nz)





Cover image: Elected members for the 2019-2022 triennium. Left to right Cr Louis Rāpihana, Deputy Mayor Shona Browne, Cr Steve Nelson, Cr Debi Hocart, Cr Barry Howe, Cr David Moore, Mayor Lyn Riesterer.

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# Introduction

Ōpōtiki District Council's Governance Statement is a collection of information about the processes that Council uses to engage with the district's residents.

It outlines how Council makes decisions and shows how residents can influence those processes. It also promotes local democracy by providing the public with information on ways they can influence local democratic processes.

Council's governance statement is a requirement of [Section 40 of the Local Government Act 2002](#). Council is obliged to produce a new governance statement within six months of each triennial election.

# Our Council

## Council's Vision

### Strong Community Strong Future



# Representation arrangements and electoral systems

## Council

In Ōpōtiki we have a Mayor elected at large for the district, and 6 councillors cover three areas of the district, known as wards. The councillors are elected on a ward basis as shown in the table below. The second table details population estimates for each ward – the larger the population, the more elected members there are to represent the community. While the councillors have been elected from their respective wards, they have an obligation and a duty to represent the interests of the district as a whole.

Ward	Number of Councillors
Coast Ward	1
Ōpōtiki Ward	3
Waioeka/Waiotahi Ward	2

Ward	Population
Coast Ward	1,610
Ōpōtiki Ward	4,530
Waioeka/ Waiōtahe Ward	2,290

\*Population estimates as at 30 June 2018

## Community Board

Council also operates a Coast Community Board comprising of 4 members. The coast ward Council Member was elected as Chairperson of the Coast Community Board.

Community Boards are constituted under Section 49 of the Local Government Act 2002 (LGA).

An existing Community Board can only be disestablished through a representation review process. Electors can seek the formation of a new Community Board. This is achieved by following the review process.

## Maori Wards and Constituencies

The Local Electoral Act 2001 gives Council the ability to establish separate wards for Maori electors.

In completing the representation review in 2017 Council resolved not to establish Maori Wards and the final representation arrangements confirmed this position. The establishment of Maori Wards can be revisited at any time in accordance with the representation arrangements review process.

Council may resolve to create separate Maori wards or conduct a poll on the matter, or the community may demand a poll on the issue. The demand for a poll can be initiated by a petition signed by 5% of electors within the District.

## Representation Arrangements Review

Council is required to review its representation arrangements at least once every six years through a public engagement process.



As part of the representation review a local authority can take a fresh look at the structure of its membership and the way they are elected. This could affect the total number of members, whether they come from a ward or 'at large' across the wider district, the boundaries of wards and constituencies, or the names of wards and constituencies.

Council must follow the procedure set out in the Local Electoral Act 2001 (LEA) when conducting this review and should also follow the guidelines published by the Local Government Commission.

The Act gives the community the right to make written submissions to Council, and the right to be heard if they wish in relation to a representation review. There is also a right to appeal any decisions made by Council to the Local Government Commission, which makes a binding decision on the appeal.

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

The next review of Council's Electoral System will be carried out in 2020 for the 2022 Triennial Election.

## **The electoral system**

Elections for Council and the community boards are held every three years when electors have the opportunity to vote. The LEA and the Local Electoral Amendment Act 2002 provide for the conduct of elections including voting methods, voting systems, nomination requirements, electoral roll requirements, length of voting period and progressive processing period, candidate profiles, offences and campaign expenditure limits.

Council employs a 'First Past the Post' (FPP) electoral system for triennial general elections. Under FPP, electors vote by indicating their preferred candidate, and the candidate with the most votes is declared the winner, regardless of the proportion of votes that candidate obtained.

The other option permitted under the Local Electoral Act 2001 is the Single Transferable Vote System. This system is used in District Health Board Elections. Electors rank as many candidates as they choose in order of preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes cast. The necessary number of candidates to fill all vacancies is achieved first by the counting of first preferences then by a transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota, and then by the exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters' second preferences.

### **Changing the Electoral System**

Section 27 of the LEA allows for the electoral system to be changed, provided that any change is made not later than 12 September in the year that is two (2) years before the year in which the next triennial general election is to be held. If a change is made it must remain in effect for the following two triennial elections.

There are three ways in which Council's electoral (voting) system can be changed under the Local Electoral Act 2001:

- Council can resolve to change the electoral system to be used at the next two elections; or
- Council can conduct a binding poll on the question; or
- Electors can demand a binding poll.

In the latter case a poll can be initiated at any time by not less than 5% of electors signing a petition demanding that a poll be held. Once changed, an electoral system must be used for the next two triennial general elections. Council's last review of its electoral system was in 2017 when Council decided to continue to use the FPP system for the 2019 and 2022 elections.

## Reorganisation of local authorities

The LGA sets out procedures that must be followed during proposals to make changes to the district's boundaries.

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. A proposal cannot be implemented without a poll of electors, unless it is only a minor boundary change.

Further information on these requirements can be found in the Act. The Local Government Commission has also prepared guidelines on procedures for local government reorganisation. See [www.lgc.govt.nz](http://www.lgc.govt.nz).

## Roles and conduct

### Council

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

- The development and adoption of council policy
- Determining the expenditure and funding requirements of Council through the processes for developing the Annual Plan, the Long Term Plan and the Revenue and Financing Policy
- Employment and appraisal of the Chief Executive Officer's performance and monitoring the implementation of policy by him/her
- Ensuring overall compliance by the Council with its obligations and responsibilities under the LGA and all other legislation which prescribe statutory duties for territorial authorities
- Promoting good relationships with neighbouring local authorities
- Monitoring the performance of the council against its stated objectives and policies
- Prudent stewardship of council resources
- Representing the interests of the residents and ratepayers of the Ōpōtiki District Council. (On election, the members' first responsibility is to the district as a whole.)

Council may create one or more committees of Council. A committee must have a chairperson, who is responsible for presiding over meetings of the committee, ensuring that the committee acts within the powers delegated by Council.

Members, as individuals, must:

- Comply with the requirements of the Code of Conduct



- Ensure they are informed about the roles, functions and processes of the Ōpōtiki District Council
- Ensure that they become aware of the statutory obligations imposed on elected members and on councils
- Comply with those enactments and other rules of law applicable to the conduct of members
- Be adequately prepared for meetings, including reading agendas and other relevant material prior to attendance, and if appropriate and where possible putting forward questions to the CEO or relevant manager in advance
- Undertake appropriate professional development
- On entering into a term of office, declare whether the member is an undischarged bankrupt
- Recognise that they have no personal power to commit Council to any particular policy or course of action unless they have delegated authority from council or the appropriate committee to do so
- Ensure the privacy of individual staff members is preserved and not comment publicly on the management or staff of the Council by identification or by general reference
- Ensure that any public statement giving a point of view contrary to a Council decision is identified as a personal, minority view.

Members, in fulfilling their role, will focus on:

- Acting in a proper manner in accordance with the legislative framework and statutory requirements for Local Government
- Providing community leadership
- Consulting with, facilitating discussions with and representing the community
- Contributing to the collective decision making of Council
- Ensuring accountability and sound financial management
- Reporting Council work to the community.

Unless otherwise provided in the LGA 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.

## 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:

- Providing leadership to the other members of the territorial authority; and the people in the district of the territorial authority
- Leading the development of the territorial authority's plans (including the long term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority
- Appointing the deputy mayor

- Establishing committees of the territorial authority
- Appointing the chairperson of each committee and may appoint himself or herself as chairperson of a committee
- Presiding at Council meetings and ensuring the conduct of meetings is in accordance with standing orders
- Keeping Council informed of matters brought to his/her attention and formally presenting to Council those matters that need to be considered
- Advocacy 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
- Providing leadership and feedback to other elected members on teamwork, information sharing and chairmanship
- Assuming the role of 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.

## Deputy Mayor

The Deputy Mayor is appointed by the Mayor at the first meeting of the Council. The Deputy Mayor exercises the same roles 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.

## Committee Chairpersons

A Committee Chairperson exercises the same role as any other member, but has responsibility to preside over all meetings of the relevant Committee and to ensure that the Committee acts within the powers delegated to it by the Council.

## Chief Executive

The Chief Executive is appointed by the council in accordance with section 42 of the LGA. The Chief Executive 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 are:

- implementing the decisions of the council
- providing advice to the council
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, 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 LGA the Chief Executive employs all other staff on behalf of the local authority.

## Conduct of Elected Members

Elected members have specific obligations as to their conduct as outlined in the following legislation:

- Schedule 7 of the LGA, which includes obligations for Council to act as a good employer in respect of the Chief Executive, and to abide by the current Code of Conduct and Standing Orders
- The Local Authorities (Members' Interests) Act 1968, which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect)
- The Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way, and the use of official information for private profit
- The Local Government Official Information and Meetings Act 1987, which sets out the requirements for making information available, including public admission to meetings and the protection of certain official information
- The Financial Markets Conduct Act 2013
- The Health and Safety at Work Act 2015
- The Protected Disclosures Act 2000 (whistle blowing).

## Code of Conduct

The purpose of a code is to provide guidance on the standards of behaviour expected from the Mayor and Councillors.

All elected members are required to adhere to a Code of Conduct. Adopting such a code is a requirement of the Local Government Act 2002. Once adopted such a code may only be amended by a 75 per cent or more vote of Council.

The Code of Conduct sets out Council's understanding and expectations of how the Mayor and Councillors will relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by, or is in the possession of, elected members, and contains details of the sanctions that Council may impose if an individual member breaches the code.

Council's current Code of Conduct was adopted in 2017 using the Local Government New Zealand template and guidelines. Council normally reviews the code following every triennial election and expects to review the current code in March 2020.

## **Governance Structures**

### **Council Meetings**

Council meetings take place on a Tuesday on a six weekly cycle. The Risk and Assurance Committee meets a minimum of four times per year and the Hearings Committee – Regulatory Appeals meets as required.

### **Council**

Ōpōtiki District Council currently has seven Councillors elected from three wards and a Mayor elected from the whole district.

The Mayor and Councillors are represented on Council committees. These committees consider and recommend policy to Council, and monitor the effective and efficient implementation of policy and the operation of services relating to the committee functions.

### **Coast Community Board**

In 2004 the Local Government Commission established a Coast Community Board, comprising of four elected members plus the Coast ward Councillor.

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

- a. To represent, and act as an advocate for, the interests of its community
- b. To consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board
- c. To maintain an overview of services provided by the territorial authority within the community
- d. To prepare an annual submission to the territorial authority for expenditure within the community
- e. To undertake any other responsibilities that is delegated to it by the territorial authority.

## Council Committees

Council Committee	Purpose	2019-0222 Triennium Appointments
Risk and Assurance	Carries out a range of detailed financial, risk and monitoring functions and makes recommendations on these matters to Council.	Members: Cr Steve Nelson Cr Debi Hocart  Mayor Riesterer Ex Officio  Independent Chair: Arihia Tuoro
Hearings Committee – Regulatory Appeals		Member 1: Cr Howe Member 2: Cr Rāpihana Member 3: Cr Hocart Committee to elect Chairperson at first meeting

## Joint Committees

Joint Committee	2019-0222 Triennium Appointments
Eastern Bay of Plenty Joint Committee	Mayor Lyn Riesterer Cr Steve Nelson
Regional Transport Committee	Mayor Riesterer Reserve: Cr Moore
Civil Defence Emergency Management Group Joint Committee	Mayor Riesterer Reserve: Cr Browne
Eastern Bay Road Safety Committee	Cr Moore

Council is also represented on a number of external committees and technical advisory groups and full details of appointments can be found on our website.

## Council Controlled Organisations

Council is a shareholder in BOP LASS Ltd which is defined as Council controlled organisations under the Local Government Act 2002. Established in 2007/08 BOP LASS was created to foster shared services between participating Council's which are currently Bay of Plenty Regional Council, Rotorua Lakes Council, Western Bay of Plenty District Council, Kawerau District Council, Tauranga City Council, Ōpōtiki District Council, Whakatāne District Council, Taupō District Council and Gisborne District Council. It provides a vehicle to investigate, procure, develop and deliver shared services where a clear benefit (in terms of quality of service or cost) exists for member local authorities.

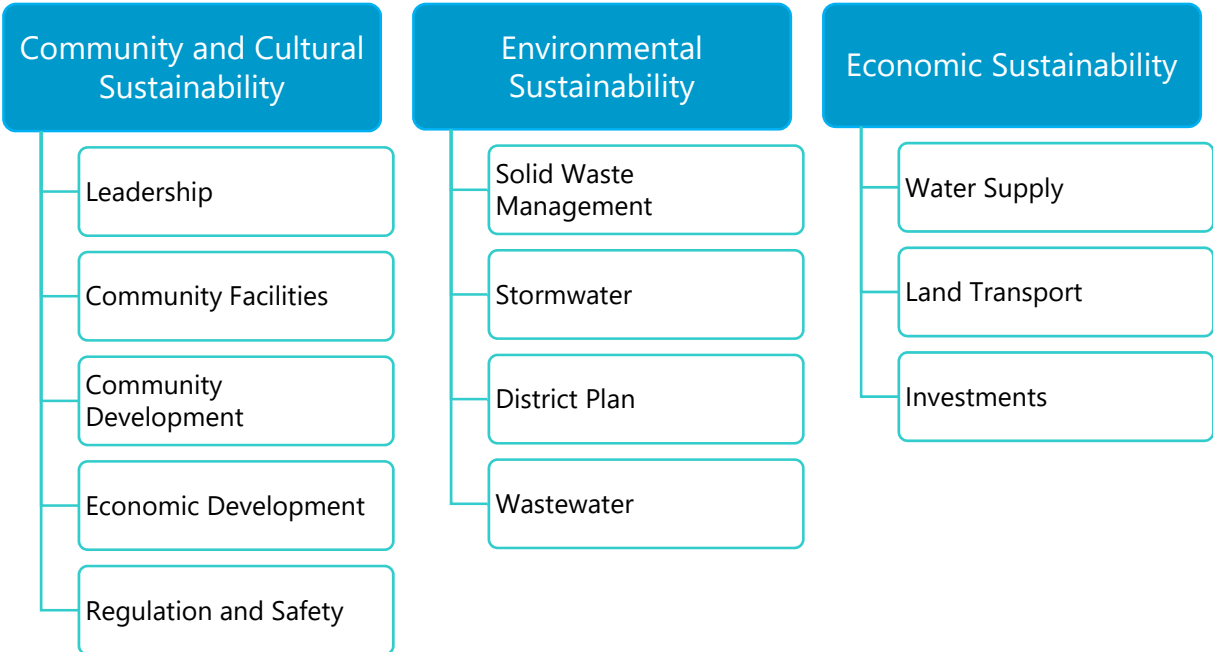
# Council’s Direction

## Activities, purpose and responsibilities

Information on Council’s activities is contained in the 10-Year Plan and the annual plan produced each year (available on Council’s website). The table below provides a summary of Council activities.

All of Council’s Significant Activities contribute to the future of the district and the Community Outcomes.

Our Significant Activities align with the four areas of community well-being – social, cultural, environmental and economic. Council has combined its activities into three Groups of Activities according to their contribution to the sustainable development of the well-being areas. They are:



## Purpose and responsibilities

The Local Government Act 2002 defines the purpose of local government as:  
(a) to enable democratic local decision-making and action by, and on behalf of, communities; and  
(b) to promote the social, economic, environmental, and cultural well-being of communities (the four well-beings) in the present and for the future.

In meeting its purpose the Ōpōtiki District Council has a variety of roles:

- Facilitating solutions to local needs



- Advocacy on behalf the local community with central government, other local authorities and other agencies
- Development of local resources
- Management of local infrastructure including network infrastructure (e.g. roads, sewage disposal, water and stormwater, and community infrastructure (libraries, parks and recreational facilities and harbour development)
- Environmental management
- Planning for the future needs of Ōpōtiki District.

The Local Government Act further defines that the role of any local authority is specifically to give effect to the purpose of local government and to carry out the duties and exercise the rights conferred on it by the Act.

The Ōpōtiki District Council is a Territorial Local Authority (TA) with perpetual succession in terms of its legal definition.

For the purposes of performing its role, a TA has, subject to the Act, any other enactment, and the general law:

- (a) The full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and
- (b) The full rights, powers, and privileges for the purposes of paragraph (a).

A TA must exercise its powers under this section wholly or principally for the benefit of its district.

That said, nothing in the Act prevents two or more local authorities engaging in a joint undertaking, a joint activity, or a co-operative activity; or prevents a transfer of responsibility from one local authority to another in accordance with the Local Government Act 2002, or restricts the activities of a council-controlled organisation.

The Local Government Act 2002 also contains a number of other provisions that dictates what a TA may, or may not, do.

## Local government legislation and Ōpōtiki District Bylaws

Local government is a complex business and operates in a highly regulated environment. There are a number of key statutes which drive how councils work such as the Local Government Acts 1974 and 2002, the Local Electoral Act 2001, the Local Government (Rating) Act 2002, the Resource Management Act 1991 and the Building Act 2004 to name a few. Appendix A contains a list of some of the key legislation that applies to New Zealand local authorities. For more information visit [www.legislation.govt.nz](http://www.legislation.govt.nz).

## Local legislation

Apart from local bylaws there is no local legislation applying specifically to the Ōpōtiki District.

## Bylaws

Council has made the following bylaws\*\* in accordance with the Local Government Act 2002 and other relevant legislation to control or permit specific activities within the District. Copies are available from Council's website:

Bylaw:	Date Adopted:
Animals Bylaw 2008	17 June 2008
Public Places Liquor Control Bylaw 2007	26 June 2007
Beach Bylaw 2008	17 June 2008
Solid Waste Bylaw 2008	17 June 2008
Cemeteries Bylaw 2008	17 June 2008
Speed Limits Bylaw 2008	17 June 2008
Control of Signs Bylaw 2008	17 June 2008
Trading in Public Places Bylaw 2008	17 June 2008
Dog Control Bylaw 2008	17 June 2008
Trade Waste Bylaw 2008	17 June 2008
Fire Prevention Bylaw 2008	17 June 2008
Traffic Bylaw 2008	17 June 2008
Hostels Bylaw 2008	17 June 2008
Water Supply Bylaw 2008	17 June 2008
Public Places Bylaw 2008	17 June 2008

\*\*At the time of writing, a review of the Ōpōtiki District Council Bylaws and the Dog Control Policy is being undertaken. The Bylaws section of this document will be updated once the review is completed.

## Council's Principles

The LGA sets out principles guiding local authorities in the way that they perform their roles.

The Ōpōtiki District Council must act in accordance with the following principles:

- Conduct its business openly, transparently and in a democratically accountable manner
- Pursue and achieve identified priorities and goals efficiently and effectively
- Be aware and take notice of the view of all its constituent communities

- Make decisions that take account of the diversity of the community, and the community's interests, within its district or region
- Take account of the interests of future as well as current communities
- Take account of the likely impacts of any decision on each aspect of the four well-beings
- Provide opportunity for Maori to contribute to the decision-making processes of Council
- Collaborate and co-operate with other local authorities and relevant organisations
- Employ sound and acceptable good business practices in its operation
- Ensure that the resources and assets of the District are managed prudently for the good of the community, present and future. The Council is given the responsibility of looking after key services and assets such as roads, water supplies and sewerage to ensure such services are there for future communities in a well-kept state
- Pursue development of the community in a way that is sustainable in the future.

The Ōpōtiki District Council is required to ensure:

- The public and elected members are aware and understand what local governance means to its community
- The public and elected members fully appreciate how an elected member is expected to conduct themselves
- That governance organisations (i.e. Council, Community Boards, etc.) and the way in which they work, are effective, efficient, open and transparent
- That wherever possible, the management of Council's regulatory responsibilities is kept separate from service activities
- That Council acts as a "good employer"
- That the relationship between the elected members and management of the ODC organisation is understood, respected and appreciated by everyone in the community.

## Key Strategies, Plans and Policies

Council sets its direction through strategies, plans and policies.

Council has key planning and policy documents as detailed below, copies of which are available from Council offices or on the Council website. The development and review process for these varies. For some there are statutory processes and reviews, such as for long term plans (every three years) and district plans (every ten years). For some statutory policies the review is usually every three or five years. Others are discretionary but as long term planning and strategies help drive the long term and annual plans, they may be subject to review as part of that process.

- Long Term Plan
- Annual Plan
- Annual Report
- Ōpōtiki District Plan
- Waste Management and Minimisation Plan
- Asset Management Plans
- Water and Sanitary Assessment
- Group and local Civil Defence Emergency Management Plans
- Waioeka / Otara Rivers Management Plan
- Coastal Access Report
- Economic Development Strategy
- Ōpōtiki District Visitor Strategy - The potential economic benefits of the Harbour Development Project to the local visitor industry
- Coastal and Sportsfields Reserves Management Plans
- Rating Policies
- Remissions
- Maori Freehold land
- Significance and Engagement Policy
- Eastern Bay Beyond Today Spatial Plan
- Regional Land Transport Plan

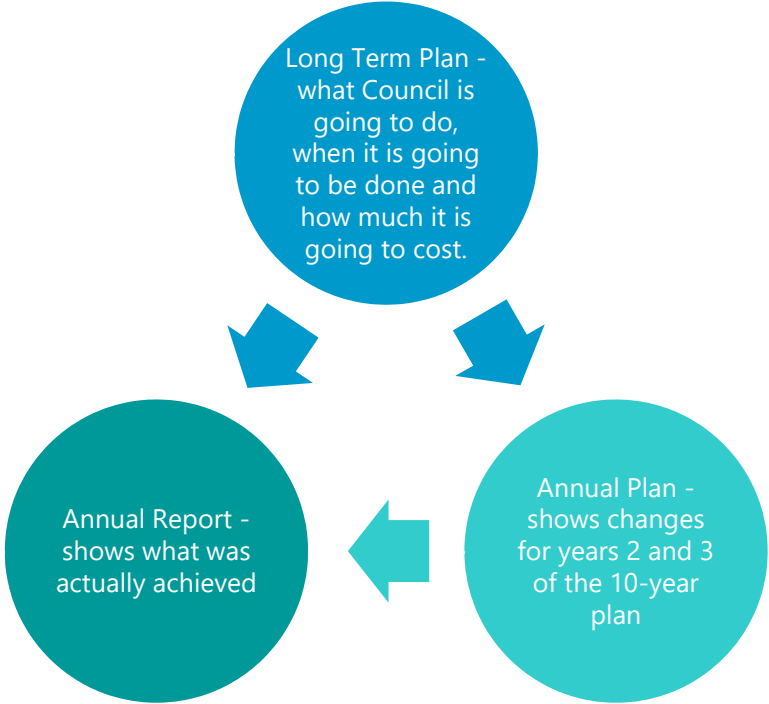
## **The 10-year Plan, Annual Plan and Annual Report**

Council's major planning and strategic document for the future of Ōpōtiki District is the Long Term (10-year) Plan. It describes what Council is going to do, when it is going to be done and how much it is going to cost.

Council must ensure resources are used in a sustainable manner, which means taking into account current needs while not making it harder for future generations to meet their needs. Affordability is a major consideration. Sustainability, affordability and well-being must be balanced and there will be times when Council needs to make decisions to promote certain aspects of well-being where those decisions may have a significant negative effect elsewhere. These details are included in the 10-year Plan for the community to consider.

The Plan covers a ten year period and is reviewed and republished every three years. In the interim years, Council produces an Annual Plan which is based on information from the 10-year Plan. There is a public consultation process in relation to the long term plan but amendments to the LGA mean Council does not need to use the Special Consultative Procedure (see Appendix B) to formally consult on an annual plan each year if the changes from the 10 Year Plan are not significant or material.

Council’s management, through monitoring and review of progress on the Annual Plan, works towards the achievement of Council’s Objectives, Policies, and Performance Targets. Reports are presented to Council each quarter. Council publishes an Annual Report each year which contains audited accounts and states its financial position and summarises progress made during the year against the financial and non-financial performance measures for that year. The following diagram shows the relationship between the three documents/processes.



# Community Engagement

## Public access to Council

### Contact details for Ōpōtiki District Council:

Ōpōtiki District Council

108 St John Street

PO Box 44

ŌPŌTIKI 3198

Phone 07 315 3030

Fax 07 315 7050

Email: [info@odc.govt.nz](mailto:info@odc.govt.nz)

Web: [www.odc.govt.nz](http://www.odc.govt.nz)

Council are also on:

Facebook: [facebook.com/ŌpōtikiDistrictCouncil](https://facebook.com/ŌpōtikiDistrictCouncil)

LinkedIn: [linkedin.com/company/opotiki-district-council](https://linkedin.com/company/opotiki-district-council)

Issuu: [issuu.com/opotikidistrictcouncil](https://issuu.com/opotikidistrictcouncil)

Antenno – Download from the [app store](#) or [Google Play](#)

The Mayor, Councillors, the Chief Executive and relevant Council officers may be contacted throughout the year if you have information to contribute or areas of concern you wish to discuss.

### System for requesting Council service

Requests for Council service can be lodged in various ways including:

- Visiting, phoning or writing (including emails and faxes) to the customer services officers, or to the Chief Executive
- By completing an online request form on Council's website
- By sending a report through the Antenno app
- Contact details for our Library and i-SITE and the after-hours contacts for Council, Animal and Noise Control are listed in the phone book, in local publications, and on [Council's website](#)
- Contact details for elected members are available on the [Council website](#) and below.



## Elected members contact details

Member	Ward	Contact details
Mayor Lyn Riesterer	District	PH 07 315 3030 Mobile 021 160 2040 <a href="mailto:lynr@odc.govt.nz">lynr@odc.govt.nz</a>
Deputy Mayor Shona Browne	Ōpōtiki	Mobile 027 477 3761 <a href="mailto:shonab@odc.govt.nz">shonab@odc.govt.nz</a>
Councillor Barry Howe	Ōpōtiki	PH 07 315 6003 (home) PH 07 315 6335 (work) Mobile 027 315 6345 <a href="mailto:bazzshazz@xtra.co.nz">bazzshazz@xtra.co.nz</a>
Councillor Steve Nelson	Ōpōtiki	Mobile 027 637 0549 <a href="mailto:steven@odc.govt.nz">steven@odc.govt.nz</a>
Councillor Debi Hocart	Waioeaka/Waiōtahe	Mobile 027 209 6002 <a href="mailto:debih@odc.govt.nz">debih@odc.govt.nz</a>
Councillor David Moore	Waioeaka/Waiōtahe	Mobile 027 2544 2628 <a href="mailto:davidm@odc.govt.nz">davidm@odc.govt.nz</a>
Councillor Louis Rāpihana	Coast	Mobile 027 354 4483 <a href="mailto:louisr@odc.govt.nz">louisr@odc.govt.nz</a>

## Coast Community Board contact details

Member	Contact details
Chairperson Louis Rāpihana	Mobile 027 354 4483 <a href="mailto:louisr@odc.govt.nz">louisr@odc.govt.nz</a>
Deputy Chairperson Allen Waenga	PH 07 3155516 Mobile 0211232513 <a href="mailto:ajwaenga@yahoo.co.nz">ajwaenga@yahoo.co.nz</a>
Michael (Spike) Collier	Mobile 0274292432 <a href="mailto:spikeopotiki@gmail.com">spikeopotiki@gmail.com</a>
Gail Keepa	PH 027 325 2003 <a href="mailto:gailkeepa@xtra.co.nz">gailkeepa@xtra.co.nz</a>
Tiaki (Jack) Parata	PH 07 325 2772 (home) PH 07 325 2726 (work) extn 713 Fax 07 325 2739 Mobile 027 498 9213 <a href="mailto:jack.parata@apanui.co.nz">jack.parata@apanui.co.nz</a>

## Public forum

Members of the public are welcome to attend the public sections of Council meetings.

A full calendar of meetings can be found on [council's website](#).

## Conduct of meetings

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 and committee meetings must be open to the public unless there is reason to consider some item 'in committee' (i.e., these items are deemed to be confidential and members of the public will be asked to leave the room until discussion on the item has been completed).

The LGOIMA contains a list of the circumstances where Council 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 of it may be withheld if the above circumstances apply.

Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with Council in accordance with Standing Orders.

The Mayor or committee chairperson is responsible for maintaining order at 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 Council who does not comply with standing orders.

Minutes of meetings must be kept as evidence of the proceedings of the meeting. These must be made publicly available, subject to the provisions of the LGOIMA.

For an ordinary meeting of Council, at least 14 days notice of the time and place of the meeting must be given. Extraordinary meetings generally can be called on 3 working days notice.

During meetings the Mayor and Councillors must follow Standing Orders (a set of procedures adopted by Council for conducting its meetings). Council may suspend Standing Orders by a vote of 75% of the members present and voting.

### Council workshops

Council also holds workshops in order to receive information from staff and advisors, and to be able to consider proposals and options in a less formal environment. Council is obliged to follow the statutory decision-making processes and make decisions in formal meetings but is able to provide direction to staff in workshops.

## Request for Official Information

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from Council. All requests for information are deemed to be a request made under LGOIMA. (You do not have to say you are making a request under LGOIMA.). Once a request is made, Council must supply the information within 20 working days unless there is a reason for withholding it or an extension of time has been requested. If the provision of a response will take longer than 20 working days the applicant is to be advised in writing stating the length of, and reason for, the delay.

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 Māori or would disclose the location of waahi tapu
- Prejudice public health or safety
- Compromise legal professional privilege
- Disadvantage Council while carrying out negotiations or commercial activities
- Allow information to be used for improper gain or advantage.

If a request for information is declined the applicant must be advised in writing of the reason for withholding that information under LAGOIMA. A response is to be provided within 20 working days.

Applicants who are advised in writing of a delay or decline of application must be advised of their right (Section 28(3) LGOIMA) to make official complaint to an ombudsman.

Council may charge for official information under guidelines set down in Section 15 of the LGOIMA or by the Ministry of Justice. The fee incurred reflects research and collation time, and is not a charge for the information itself. Information on Council's fees and charges is available on Council's website or by contacting Council.

Requests for official information should be addressed to:

In writing	In person	By Fax	By Email	Online
Aileen Lawrie Chief Executive Officer Ōpōtiki District Council PO Box 44 ŌPŌTIKI 3162	108 St John Street Ōpōtiki District Council	(07) 315 7050	<a href="mailto:info@odc.govt.nz">info@odc.govt.nz</a>	<a href="http://online.odc.govt.nz">online.odc.govt.nz</a>

## Council decisions

Council must make all decisions in accordance with the requirements set out in sections 77 to 82 of the Local Government Act 2002.

The key sections require that for any decision Council should:

- seek to identify all reasonably practicable options for the achievement of the objective of the decisions;
- consider the views and preferences of the community at all stages of the decision-making, particularly persons likely to be affected by or interested in the matter, and the views of Maori (especially where land or water is affected);
- make provision for the contribution to decision-making processes by Maori;
- consult prior to making any decision or pre-determining an option.;
- have regard to the purpose of local government (section 10 LGA);
- provide reasons for decisions made, and identify and explain any inconsistency with other Council plans or policies.

## Significance and Engagement Policy

Council is required by the Local Government Act 2002 to have a Significance and Engagement Policy.

The purpose of the policy is to:

1. Enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
2. Provide clarity about how and when communities can expect to be engaged in decisions made by Council.
3. Inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.

Under Council's Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of Significance is determined by the criteria set out in section 12 of the Significance and Engagement Policy.

In considering the degree of significance of every issue requiring a decision, Council will be guided by the following principles:

4. The Council will be consistent and transparent in how it engages the public.
5. The Council will ensure Maori views are considered when engaging.
6. The Council will consider the language, accessibility and cultural needs in any engagement.
7. The Council will act honestly and openly when analysing and presenting any engagement results.

8. The Council will prominently outline a proposals' or decisions' cost in any engagement.

If a decision or matter is significant, the Council must apply greater diligence. This includes, but is not limited to, the degree to which different options are identified and assessed and the extent to which community views are considered, including whether consultation is required. Specifically, Council will comply with all consultation requirements set down in relevant legislation and particularly those conditions set out in the LGA and the Resource Management Act.

The following criteria will be used to determine whether the proposal or decision being considered by the Council is significant. If an issue exceeds one or more of the following criteria, the matter is more likely to have a high degree of significance.

- Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as outlined in the policy
- A decision that will have a major and long-term impact on the capacity of the Council to carry out any activity identified in the Long Term Plan.
- A decision that will have a major and long-term impact on Council's Strategic Direction.
- A decision that will have a major and long-term impact on a wide range of people and/or groups who reflect the makeup of the District's community.
- The issue, proposal, or other matter that will have a major and long-term impact on Council's current level of service.

## Consultation principles

The Local Government Act 2002 sets out certain consultation principles and a procedure that local authorities must follow when making certain decisions. This procedure, the Special Consultative Procedure, is regarded as a minimum process.

Council will use the Special Consultative Procedure for the following issues requiring decisions:

- The development and review of a Local Alcohol Policy
- The development and review of a Local Approved Product (Psychoactive Substances) Policy
- The review of a Rating Policy
- Decisions on transferring the ownership or control of strategic assets, as listed in Schedule 1, which are not outlined in the Long Term Plan.

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.

For the following specific issues requiring decisions Council will develop consultation documents fulfilling the requirements of Section 82A of the LGA 2002, will make these documents available to the public, allow written submissions for a period of up to 4 weeks and will consider all submissions prior to making decisions:

- Establishing a Council-Controlled Organisation
- Adopting a Revenue and Financing policy

For the following specific issue Council will develop the process fulfilling the requirements of Schedule 1 of the Resource Management Act 1991.

- Review of the Ōpōtiki District Plan

## **Partnership with Maori**

Council embraces the principles of the Treaty of Waitangi and values its relationship with local hapu and iwi.

To help promote communication, understanding and working together effectively and efficiently Council has formed working relationships with iwi and hapu of the district throughout the organisation, within both elected members and staff levels of the Council. The iwi of the district are generally invited to be represented on Council's committees and is promoting tangata whenua as a strategic partner in regional social and economic initiatives.



# Management

## Structure, roles and relationships

Council is supported by a professional corporate organisation, led by the Chief Executive. Officers provide Council with policy advice and are responsible for implementing Council's policies to achieve the results Council wants.

The Chief Executive and staff are responsible for managing day-to-day issues and implementing Council's decisions and policies. The organisation is structured under three groups, each of which is headed by a group manager. They are:

- Finance and Corporate Services
- Regulatory and Planning
- Engineering and Services

The Management team comprises the managers of the three groups and is headed by the Chief Executive. The Management Team considers organisation-wide issues and provides a key linkage between Councillors and staff. They ensure that what is undertaken within the three groups is consistent with Council's mission and goals and the decisions of Council.





The elected members and Council staff work together at different levels to decide what activities should be done to achieve the community's vision and goals, and to plan how they can best be undertaken. This takes place within a framework of competing priorities, timeframes, resources, decisions of Council, and within the overall goal of growing and developing the district in a sustainable social, cultural, economic and environmental context.

### Chief Executive

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

Aileen Lawrie  
Chief Executive  
Ōpōtiki District Council  
PO Box 44  
ŌPŌTIKI 3162

Email: [aileenl@odc.govt.nz](mailto:aileenl@odc.govt.nz) Phone: 07 315 3030 Fax: 07 315 7050

 <p><b>Chief Executive Officer</b> Aileen Lawrie</p>	<p>The chief executive appoints a range of skilled staff to carry out the activities the council undertakes on behalf of the community.</p> <p>This is the organisational arm of local government. Through the chief executive they implement the decisions of Council, provide advice to Council on managing the activities of the organisation effectively and efficiently, plan and provide accurate reports of the financial and service performance of Council and employ and provide leadership.</p>	
 <p><b>Engineering and Services Group Manager</b> Ari Erickson</p>	<p>Consultancy BU Roading Sewerage Solid Waste Stormwater Water Supply</p>	
 <p><b>Planning and Regulatory Group Manager</b> Gerard McCormack</p>	<p>Airport Animal Control Building Control Bylaw Compliance Cemetery Civil Defence Emergency Management</p>	<p>Environmental Health Liquor Licensing Noise Control Parks Reserves Resource Management Planning</p>
 <p><b>Finance and Corporate Services Group Manager</b> Bevan Gray</p>	<p>Cash Receipting Communications Creative New Zealand Customer Services Debtors/Creditors Economic Development Events Financial Reporting Governance Support Insurance Investments</p>	<p>i-SITE Information Centre Library Payroll Promotions Property Public Debt Rates Sports co-ordination Tourism Water Billing</p>

# Employment Policies

## Equal Employment Opportunities

The Ōpōtiki District Council acknowledges the benefit to employees, Council and its customers that result from equal opportunity in employment of new personnel.

Council is committed to the principles of equal opportunity in recruitment, employment, training and promotion of its employees and has an adopted Equal Employment Opportunities Policy.

In all its dealings with current and prospective employees, Council will not discriminate on any of the grounds of discrimination contained in the Human Rights Act 1993 and its amendments. In addition, Council is committed to:

- Ensuring all employees are treated fairly and have their differences respected and valued
- Identifying and eliminating any barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any person or group of persons
- Ensuring that all its policies and practices uphold the principle of equal employment opportunity
- Ensuring that all employee appointments are made solely on the basis of merit, and that all promotions, advancements, salary reviews and professional/career development opportunities are based on merit
- Taking into consideration the demographic makeup of the community it serves when delivering its services
- Investigating and resolving without delay any complaint of discrimination under this policy or the Human Rights Act 1993.

## Council Remuneration

Elected members' remuneration is set by the Remuneration Authority who have implemented a "governance pool" system which is allocated to each Council aligned with the ranking of a Council based on a size index and within a framework of the Local Government pay scale. The governance pool provides the total amount that must be paid in remuneration to Councillors (aside from the Mayor). The salary of the Mayor is set separately by the Authority and Council are unable to make changes to that salary. Council can decide how it wishes to allocate its pool according to its own priorities and circumstances and this decision is then sent to the Remuneration Authority for a final determination.

The current remuneration determination was issued in December 2019.

# Appendix A

An Act is a law passed by Parliament (before it is passed, it is called a Bill). Many Acts have supporting regulations, which are laws made under an Act of Parliament. Regulations generally deal with matters of detail or administration, or matters that are subject to frequent change.

Current Acts that apply to local government include:

- Animal Welfare Act 1999
- Arts Council of New Zealand Toi Aotearoa Act 2014
- Biosecurity Act 1993
- Building Act 2004
- Building Research Levy Act 1969
- Burial and Cremation Act 1964
- Bylaws Act 1910
- Citizenship Act 1977
- Civil Defence Emergency Management Act 2002
- Disabled Persons Community Welfare Act 1976
- Dog Control Act 1996
- Fencing Act 1978
- Food Act 2014
- Forest and Rural Fires Act 1977
- Freedom Camping Act 2011
- Gambling Act 2003
- Government Rooding Powers Act 1989
- Hazardous Substances and New Organisms Act 1996
- Health Act 1956
- Health and Safety at Work Act 2015
- Heritage New Zealand Pouhere Taonga Act 2014
- Impounding Act 1955
- Land Drainage Act 1908
- Land Transport Act 1998
- Land Transport Management Act 2003
- Litter Act 1979
- Local Authorities (Members' Interests) Act 1968
- Local Electoral Act 2001
- Local Government Act 1974
- Local Government Act 2002
- Local Government Official Information and Meetings Act 1987
- Local Government (Rating) Act 2002
- New Zealand Library Association Act 1939
- Privacy Act 1993
- Property Law Act 2007
- Protected Disclosures Act 2000
- Prostitution Reform Act 2003
- Public Records Act 2005
- Public Works Act 1981
- Racing Act 2003
- Rates Rebate Act 1973
- Rating Valuations Act 1998
- Reserves Act 1977
- Residential Tenancies Act 1986
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012
- Te Ture Whenua Maori Act 1993
- Trespass Act 1980
- Unit Titles Act 2010
- Waste Minimisation Act 2008
- Weathertight Homes Resolution Services Act 2006.

# Appendix B – Special Consultative Procedure

The LGA has specific procedures that Council must follow when making certain types of decisions. The special consultative procedure (consultation sections 82-90) is regarded as the minimum process that Council must use when making decisions that trigger criteria within the Act, or in Council's Significance and Engagement Policy.

This procedure is set out in the LGA and will be used where:

- legislation specifies that it should be used
- the Council proposes to adopt or amend the Long-Term Plan
- the Council proposes to adopt, review or amend any Bylaws
- the Council proposes to alter the mode of delivery of a significant activity as defined in the Council's Significance and Engagement Policy
- the Council decides it is appropriate to use a consultative procedure (e.g. the issue may be particularly topical so that the Council wishes to add a degree of formality to the process).

## **What is the Special Consultative Procedure?**

1. The Council must prepare and adopt a Statement of Proposal and if the local authority considers that it is necessary to enable public understanding of the proposal, include a Summary of Information in the statement. The summary must:

- be a fair representation of the major matters in the statement in a form determined by the Council; and
- indicate where the Statement of Proposal is available.

2. State the period within which persons interested in the proposal may present their views to the local authority. The timeframe must be at least one month from the date the statement is issued. The Council must make the statement of proposal and a description of how the Council will provide persons interested in the proposal with an opportunity to present their views to the local authority.

3. The Council must make a statement of the period within which views on the proposal may be provided to the Council.

4. The Council must make the summary of information contained in the statement of proposal (or the statement of proposal, if a summary is not prepared) as widely available as reasonably practicable as a basis for consultation.

5. The Council must provide an opportunity for persons to present their views to the Council and that those persons are given a reasonable opportunity to do so; and are informed about how and when they

may take up that opportunity. Council may allow persons to present their views to Council by way of an audio link or audio-visual link.

If the Council is intending to adopt or amend Bylaws the LGA specifies some additional requirements that are part of the process. These are found in section 86 of the LGA.



