

NOTICE OF AN ORDINARY COUNCIL MEETING

**Opōtiki District Council Chambers, 108 St John Street, Opōtiki
Tuesday, 10 March 2020
Commencing at 9.00am**

ORDER PAPER

OPENING KARAKIA / PRAYER / INSPIRATIONAL READING – COUNCILLOR MOORE

APOLOGIES

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

PUBLIC FORUM

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PUBLIC EXCLUDED BUSINESS

ITEM 17	CONFIRMATION OF IN-COMMITTEE MINUTES – ORDINARY COUNCIL MEETING 28 JANUARY 2020	
ITEM 18	MINUTES – TOI-EDA MEETING 4 MARCH 2020	
ITEM 19	PROPERTY TRANSACTION	
ITEM 20	PROPERTY TRANSACTION UPDATE	
ITEM 21	RESOLUTION TO RESTATE RESOLUTIONS AND READMIT THE PUBLIC	

PRESENTATIONS:

9.30AM TOI-EDA (Karl Gradon and Ian Morton)

11.00AM BAY OF PLENTY REGIONAL COUNCIL (Chair Doug Leeder, CEO Fiona McTavish and GM Corporate Mat Taylor)

11.30AM QUAYSIDE HOLDINGS LTD (CEO Scott Hamilton)

Chair: Her Worship the Mayor – Lyn Riesterer

Members: Cr Shona Browne (Deputy Mayor)

Cr Debi Hocart

Cr Barry Howe

Cr David Moore

Cr Steve Nelson

Cr Louis Rāpihana

Committee Secretary: Gae Newell

Quorum: 4

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

Councillors are reminded that if you have a pecuniary or non-pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the Council chamber.

Aileen Lawrie

CHIEF EXECUTIVE OFFICER



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED THURSDAY, 28 JANUARY 2020 IN THE
ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 9.00AM**

PRESENT:

Mayor Lyn Riesterer (Chairperson)
Deputy Mayor Shona Browne (Deputy Chairperson)
Councillors:
Debi Hocart
Barry Howe
David Moore
Steve Nelson

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)
Bevan Gray (Finance and Corporate Services Group Manager)
Gerard McCormack (Planning and Regulatory Group Manager)
Ari Erickson (Engineering and Services Group Manager)
Sarah Jones (Corporate Planner and Executive Officer)
Tina Gedson (Property Officer)
Annette Papuni-McLellan (Executive Support Officer)
Mark Wheeler (Contract Manager)
Annette Munday (Asset Engineer)
Gae Finlay (Executive Assistant and Governance Support Officer)

PUBLIC:

Len Forrester
Anne Hill

Councillor Howe opened the meeting with an inspirational prayer.

APOLOGY

Councillor Rāpihana.

RESOLVED

(1) That the apology be sustained.

Nelson/Browne

Carried

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

PUBLIC FORUM

Len Forrester

Regulatory Matters

Len Forrester queried if there is any regulation around furniture and billboards outside a café. He stated that on Court day it is impossible to get past the Bakehouse café and the café by the doctors' surgery. Cars also park across the footpath between the doctors' surgery and the café and Len Forrester suggested that NP be painted in yellow on the footpath.

Trees

Len Forrester noted that 3-4 years ago during a storm a tree was toppled in the reserve in King Street, above the culvert. He added that nothing has been done to straighten it out and take it away. This tree is damaging two other trees.

Len Forrester also stated that there is a dead tree in the reserve between Nelson Street and the horse paddock.

Her Worship the Mayor suggested to Mr Forrester that he give the information to the front office staff in order for the matters to be looked at and sorted.

The Chief Executive Officer explained to Mr Forrester the different ways issues can be reported and the system Council uses to respond to issues raised.

The Reserves Manager entered the meeting at 9.05am.

Len Forrester left the meeting at 9.08am.

Anne Hill – Horse Trail Update

Anne Hill stated that she wished to provide the Council with an update on the horse trail. She extended congratulations to Councillors, both old and new, on their election.

Anne Hill noted that she has been working on the horse trail project with her colleagues for the last four years. The trail covers a distance of 45 kilometres.

Council has given approval for the horse trail and Anne Hill said that she is very grateful for that. She is currently liaising with Council's Reserves Manager and good progress has been made, although the process has been complex and complicated. The trail will be developed in stages over 2-3 years as there are numerous issues to be resolved along the way.

Anne Hill pointed out that there will be many economic benefits related to the horse trail project, e.g. a good effect on the retail sector. Also, the outdoors have a lot to offer locals and overseas tourists and bike trails and horse trails are always popular.

Anne Hill handed out a diagram of the horse trail route for Council's information. She said the first stage of the trail is currently in the process of being completed, in conjunction with the landowners concerned.

Her Worship the Mayor thanked Anne Hill for her attendance.

Anne Hill, the Reserves Manager and the Planning and Regulatory Group Manager left the meeting at 9.17am.

1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 17 DECEMBER 2019 p4

RESOLVED

- (1) That the minutes of the Ordinary Council meeting held on 17 December 2019 be confirmed as a true and correct record.**

Nelson/Hocart **Carried**

2. MINUTES – CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE p11 MEETING 16 DECEMBER 2019

RESOLVED

- (1) That the minutes of the Civil Defence Emergency Management Group Joint Committee meeting held on 16 December 2019 be received.**

Browne/HWTM **Carried**

3. MAYORAL REPORT 9 DECEMBER 2019-16 JANUARY 2020 **p18**

RESOLVED

- (1) That the report titled "Mayoral Report 9 December 2019-16 January 2020" be received.**

HWTM/Browne

Carried

The Planning and Regulatory Group Manager rejoined the meeting at 9.20am.

4. WASTEWATER TREATMENT UPGRADE **p21**

RESOLVED

- (1) That the report titled "Wastewater Treatment Upgrade" be received.**
(2) That Council approves bringing forward \$1.93m in planned budgets into 2019/20, 2020/21 and 2021/22 to complete the project.

Howe/Browne

Carried

5. SNELL ROAD UPGRADE 2019/20 – STAGE 1 **p26**
2019

RESOLVED

- (1) That the report titled "Snell Road Upgrade 2019/20 – Stage 1" be received.**
(2) That Council approves bridge financing of \$400,000 to complete the project.
(3) That Council approves loan funding of \$400,000 in the event NZTA funding does not eventuate.

HWTM/Moore

Carried

6. PLANNING, REGULATORY, PARKS AND RESERVES SIX MONTH REVIEW **p30**

RESOLVED

- (1) That the report titled "Planning, Regulatory, Parks and Reserves Six Month Review" be received.**

HWTM/Hocart

Carried

Councillor Howe left the meeting at 9.58am and returned at 10.00am.

7. CHIEF EXECUTIVE OFFICER'S UPDATE

p41

RESOLVED

(1) That the report titled "Chief Executive Office's Update" be received.

Browne/Nelson

Carried

The meeting adjourned at 10.00am for a Citizenship Ceremony and reconvened at 10.30am. The Finance and Corporate Services Group Manager entered the meeting at this time, along with the Executive Support Officer, the Contracts Manager and the Asset Engineer Water Supply/Waste Water.

New Staff Introductions

Council were introduced to new staff members – Annette Papuni-McLellan (Executive Support Officer), Mark Wheeler (Contracts Manager) and Annette Munday (Asset Engineer Water Supply/Waste Water).

The Executive Support Officer, the Contracts Manager and the Asset Engineer Water Supply/Waste Water left the meeting at 10.33am.

8. RESOLUTION TO EXCLUDE THE PUBLIC

p43

SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987

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

- 9. Confirmation of In-Committee Minutes – Ordinary Council Meeting 17 December 2020.**
- 10. Appointment Recommendation Independent Chair and Member Risk and Assurance Committee.**
- 11. Property Transaction.**

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

Item No	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
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9	In-Committee Minutes – Ordinary Council Meeting 17 December 2020	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
10.	Appointment Recommendation Independent Chair and member Risk and Assurance Committee	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
11.	Property Transaction	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

9.	Protect the privacy of natural persons Protect information Protection from improper pressure or harassment Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities	Section 7(2)(a) Section 7(2)(b)(i) & (ii); (d) & (e) and Section 7(2)(c)(i) & (ii) Section 7(2)(f)(ii) Section 7(2)(j) Section 7(2)(i) Section 7(2)(g) Section 7(2)(h)
10.	Protect the privacy of natural persons Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(f)(ii)
11.	Protect the privacy of natural persons Commercial sensitivity Carry out negotiations	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(i)

HWTM/Browne

Carried

RESOLVED

- (1) That the resolutions made while the public was excluded, except for clauses 2 and 3 of Items 10 (Appointment Recommendation Independent Chair and Member Risk and Assurance Committee) and 11 (Property Transaction), be confirmed in open meeting.**

(2) That the public be readmitted to the meeting.

Hocart/Browne

Carried

RESOLVED

(1) That the minutes of the In-Committee Ordinary Council meeting held on 17 December 2019 be received.

Nelson/Hocart

Carried

RESOLVED

(1) That the report titled "Appointment Recommendation Independent Chair and Member Risk and Assurance Committee" be received.

RESOLVED

(1) That the report titled "Property Transaction" is received.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.14AM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COUNCIL HELD ON 10 MARCH 2020**

L J RIESTERER

HER WORSHIP THE MAYOR



MINUTES OF AN ŌPŌTIKI DISTRICT COUNCIL RISK AND ASSURANCE COMMITTEE MEETING HELD ON MONDAY, 25 NOVEMBER 2019 IN THE ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 10.00AM

PRESENT:

Mayor Lyn Riesterer (Chairperson)
Councillor Steve Nelson

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)
Greg Robertson (Chief Financial Officer)
Haydn Read (Finance and Systems Group Manager)
Tina Gedson (Property Officer)

Deputy Mayor Shona Browne

MEDIA:

Charlotte Jones (Local Democracy Reporter, The Beacon)

APOLOGY

Interim Independent Member David Love.

RESOLVED

(1) That the apology be sustained.

HWTM/Nelson

Carried

The Chairperson advised that the Action Schedule has been tabled for noting by the Committee. The item was not included in the agenda but is provided as an update to the Committee. The Action Schedule will be considered after Item 4.

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

PUBLIC FORUM

Nil.

1. MINUTES – AUDIT AND RISK COMMITTEE MEETING 9 SEPTEMBER 2019 **p5**

RESOLVED

- (1) That the minutes of the Audit and Risk Committee meeting held on 9 September 2019 be received.**

HWTM/Nelson

Carried

2. KOHA REPORT **p11**

RESOLVED

- (1) That the report titled “Koha Report” be received.**

Nelson/HWTM

Carried

3. PROCESS FOR APPOINTMENT OF INDEPENDENT CHAIR AND INDEPENDENT MEMBER **p20**

The Chief Executive Officer spoke to the report.

The Committee put forward items they would like to see incorporated in the Job Description for the Independent Chair position as follows:

- Impeccable integrity
- Good professional track record
- Community trust and confidence
- Experience

It was agreed that clause 2 of the recommendations be amended to read:

“That the Committee confirms the Position Description and person profile for the Independent Chair.

It was further agreed that clause 3 of the recommendations be amended to show the names of the members of the recruitment panel members and delete the reference to the level of support required from Corporate HR.

RESOLVED

- (1) That the report titled “Process for Appointment of Independent Chair and Independent Member” be received.**

- (2) That the Committee confirms the Position Description and person profile for the Independent Chair.
- (3) That the Committee confirms panel representation as Mayor Lyn Riesterer, Councillor Steven Nelson and Corporate Services Manager, Muriel Chamberlain.
- (4) That the Committee approves the timeframe and estimated budget.
- (5) That the Committee refers the need for extra Independent Member back to next Council meeting in December

HWTM/Nelson

Carried

The Finance and Systems Group Manager entered the meeting at 10.21am.

ACTION SCHEDULE

Tabled Item

The Action Schedule was tabled.

The Committee noted the updates provided by the Chief Executive Officer.

The Action Schedule will, in future, be titled "Risk and Assurance Action Sheet".

RESOLVED

- (1) That the Action Schedule be received.

HWTM/Nelson

Carried

PRELIMINARY SHIFT AND IMPACT OF NEW EVALUATIONS

Information Item

The Chief Financial Officer presented a table giving an overview of the new three-yearly property valuations for the Ōpōtiki district noting that there had been a considerable rise across all land values, especially in the horticultural area.

The Chief Executive Officer mentioned the biggest concern is the risk that the community will assume the large rise in values comes with an automatic large rise in rates.

The Chief Executive Officer stated that Councillors will have comprehensive information presented to them, when the Finance and Corporate Services Group Manager returns, as part of the Annual Plan workshop in February or March.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.10AM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE RISK AND ASSURANCE COMMITTEE
HELD ON 2 MARCH 2020**

**L J RIESTERER
HER WORSHIP THE MAYOR**

Minutes of the Regional Transport Committee Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Friday, 20 December 2019 commencing at 9.30 a.m.

Present:

Chairperson: Councillor Lyall Thurston – Bay of Plenty Regional Council

Deputy Chairperson: Councillor Jane Nees - Bay of Plenty Regional Council

Appointees: Mayor Malcolm Campbell - Kawerau District Council), Deputy Mayor Faylene Tunui - Alternate, Kawerau District Council, Mayor Lyn Riesterer - Ōpōtiki District Council, Councillor David Moore - Alternate, Ōpōtiki District Council, Mayor Tenby Powell – Tauranga City Council, Mayor Garry Webber - Western Bay of Plenty District Council, Deputy Mayor Andrew Iles - Alternate, Whakatāne District Council, Councillor Norm Bruning - Alternate, Bay of Plenty Regional Council

In Attendance: John Galbraith - Freight Advisor, Glen Crowther - Environmental Sustainability Advisor

Bay of Plenty Regional Council: Fiona McTavish – Chief Executive, Doug Leeder – Chairman, Namouta Poutasi – General Manager Strategy and Science, Debbie Hyland – Finance and Transport Operations Manager, Ruth Feist – Team Leader Urban, Amanda Namana – Committee Advisor

Other: Janeane Joyce - Channeled Planning and Contracting, Robert Brodnax – UFTI Project Director, Craig Richards – BECA, Bernice Elvy – Public Forum Speaker

Apologies: Mayor Steve Chadwick – Rotorua Lakes Council, Mayor Judy Turner – Whakatāne District Council, Deputy Mayor David Donaldson – Rotorua Lakes Council, Ross l’Anson – New Zealand Transport Agency, Deputy Mayor John Scrimgeour – Western Bay of Plenty District Council and Dan Kneebone – Port of Tauranga

1 Apologies

Resolved

That the Regional Transport Committee:

- 1 Accepts the apologies from Mayor Steve Chadwick – Rotorua Lakes Council, Mayor Judy Turner – Whakatāne District Council, Deputy Mayor David Donaldson – Rotorua Lakes Council, Ross l’Anson – New Zealand Transport Agency, Deputy Mayor John Scrimgeour – Western Bay of Plenty District Council and Dan Kneebone – Port of Tauranga tendered at the meeting.

2 Public Forum

2.1 Bernice Elvy – Drift Circuit for the Bay of Plenty

Refer Tabled Document 1 - Objective ID A3453869

Key Points

- Parent of a young adult going through the court system for sustained loss of traction
- Noted that over the past ten years there had been a steady increase of 'skidding' or sustained loss of traction by drivers, predominately young males in the 18-28 year old age group
- Drifting was a recognised sport and there was no venue in the Bay of Plenty offering a safe place for this
- There was no malicious intent in the act of drifting, rather it was about socialising, showcasing vehicles and their abilities to sustain loss of traction
- People were becoming less tolerant as the population rose and the region needed to address the lack of entertainment facilities to accommodate everybody
- Supported the venue for the drift circuit being at TECT All Terrain Park.

Namouta Poutasi – General Manager, Strategy and Science in Response to Questions

- The potential establishment of a Western Bay Road Safety Subcommittee would impact on who should consider this request
- Any requests for additional funding would need to go through all respective councils.

Members' Comments

- Referred to the Tauranga City Council and Western Bay of Plenty District Council Annual Plans which included plans to create a drift facility at TECT All Terrain Park and suggested submitting to these plans to show increased public support.

3 Acceptance of Late Items

Nil.

4 General Business

Nil.

5 Declaration of Conflicts of Interest

Nil.

6 Previous Minutes

6.1 Regional Transport Committee Minutes - 6 September 2019

Resolved

That the Regional Transport Committee:

- 1 Receives the Regional Transport Committee minutes - 6 September 2019.**

7 Reports

7.1 Committee Chair's Report

General Manager, Strategy and Science Namouta Poutasi provided key highlights from the report.

Key Points

- Government Policy Statement on Land Transport Plan 2021 (GPS) had been postponed and engagement on the draft GPS could now be expected in March 2020
- Resource Management Act (RMA) review had a component in relation to spatial planning, for which submissions would close on 3 February 2020
- Draft New Zealand Rail Plan (Rail Plan) was released on 13 December 2019 as a ten year vision for rail which highlighted key priorities for funding and established a framework which would require changes to the Land Transport Management Act.

Members' Comments

- It was important to consider how to align feedback on new documents in relation to the timeframes for the Committee.

In Response to Questions

- Whilst the Rail Plan was open for feedback at present, it would officially be consulted on around the same time as the GPS in March 2020.

Resolved

That the Regional Transport Committee:

- 1 Receives the report, Committee Chair's Report.

Thurston/Webber
CARRIED

7.2 Regional Transport Committee Terms of Reference and 2020 Work Programme

General Manager, Strategy and Science Namouta Poutasi presented this item.

Members' Comments

- It was important to get processes aligned with the timing of the development of the new Regional Land Transport Plan (RLTP)
- There were other areas of responsibility progressing that needed to be factored in, e.g. the approval of the Speed Management Plan
- Needed to be mindful to keep in step with the direction of Central Government.

Chief Executive's Comment

- Approving the Work Programme as a draft only at this time was prudent considering relevant changes being made to the RMA and the Committee's responsibilities for coordinating, integrating and adopting the new strategies and actions for sub-regional spatial plans.

In Response to Questions

- The Work Programme confirmed staff actions and direction for the year.

Resolved

That the Regional Transport Committee:

- 1 Receives the report, Regional Transport Committee Terms of Reference and 2020 Work Programme;**
- 2 Confirms Inspector Brent Crowe, Bay of Plenty Road Policing Manager as the Road Safety Advisor to the Regional Transport Committee;**
- 3 Confirms John Galbraith as the Freight Advisor to the Regional Transport Committee;**
- 4 Confirms Dan Kneebone as the Port Advisor to the Regional Transport Committee;**
- 5 Confirms Glen Crowther as the Environmental Sustainability Advisor to the Regional Transport Committee;**
- 6 Approves the procedure for making decisions on Regional Land Transport Plan variations as detailed in Section 3 of the report; and**
- 7 Approves the Draft 2020 Regional Transport Committee Work Programme in Appendix 2 of the report.**

**Nees/Webber
CARRIED**

7.3 New Zealand Transport Agency Update

Refer PowerPoint Presentation - Objective ID A3455068

New Zealand Transport Agency (NZTA) Principal Planning Advisor Cole O'Keefe updated the Committee on current national and regional initiatives.

Key Points of Presentation

- Advised that the new name for NZTA was Waka Kotahi NZ Transport Agency (Waka Kotahi)
- Working together – our regional relationship teams
- Regional Land Transport Plan guidance
- Arataki – NZTA ten year plan of what's needed to make sure the land transport system is for the future
- Investment Decision-Making Framework (IDMF) Review
- Transport Agency Investment Proposal
- Bay of Plenty speed reviews update
- Public transport fare policy changes
- Supporting road patrol.

Members' Comments

- The Arataki framework would be regionally competitive in terms of fund allocation and understanding in a practical sense how to ensure the wider Bay of Plenty region

- received the funding required was imperative
- Regional Council were undertaking a fare review process and it was critical to have the relevant information and gain a clear understanding prior to March 2020 in conjunction with the preparation of the draft Annual Plan.

In Response to Questions

- The key to Arataki fund allocation would be the consultation held during 2020
- Initiatives already underway in the region placed the Bay of Plenty in a strong position for funding
- Although formal consultation on Arataki was not proposed, engagement with local government began in December 2019 and comments would be accepted up until 31 March 2020
- The IDMF draft design report had been released for consultation on 11 December 2019 and feedback would be received until 21 February 2020. All feedback needed to be submitted via the online form at: www.nzta.govt.nz/idmf
- It was unlikely there would be additional funding for fare reductions before the next National Land Transport Plan (NLTP) in June 2021.

Resolved

That the Regional Transport Committee:

- 1 Receives the report, New Zealand Transport Agency Update.**
- 2 Delegates the Chairperson authority to write to the Waka Kotahi Chairperson outlining regional concerns with the Arataki Document and that it be amended in accordance with current RLTP and recent sub-regional transport and land use projects such as UFTI, Rotorua Connect and Eastern Bay Beyond Today, with the draft letter to be shared with the Mayors prior to submission.**

**Riesterer/Campbell
CARRIED**

7.4 Update from Committee Members and Advisors

Mayor Lyn Riesterer – Ōpōtiki District Council

Key Points

- Working closely with Whakatāne District Council to improve the safety on the Wainui Road portion of the road between Ōhope and Ōpōtiki and was awaiting confirmation of funding for the state highway portion
- Supported the national speed review initiative and proposed liaising with NZTA in getting the speed limits reviewed for the Ōpōtiki coast
- Noted a recent number of tragic accidents warranted consideration of temporarily lowering speed limits on the highway bridges either side of Ōpōtiki.

NZTA in Response

- Agreed to take the speed reduction request to the NZTA safety team for consideration and respond to Mayor Riesterer.

Glen Crowther

Refer Tabled Document 2 – Objective ID A3461103

Key Points

- Highlighted that 9% of New Zealand's emissions came from the tourism sector
- Targets being used for transport planning were not aligned with the Zero Carbon Act
- The methane target being reduced to 10% had implications for transport planning.

In Response to Questions

- Suggested that targets currently being used for some transport planning did not take methane emissions into account, e.g. UFTI.

Mayor Garry Webber – Western Bay of Plenty District Council

Key Points

- In the process of developing a framework around the 30 year asset management plans
- Alignment with NZTA and Central Government was important in regards to methodology
- The focus of the Committee needed to be more regional compared to previous trienniums.

Mayor Malcolm Campbell – Kawerau District Council

Key Points

- Held speed concerns for State Highway 30 with increased heavy vehicle use at Kawerau
- Littering on highways was becoming a significant issue
- Concerned regarding the overall condition of the roading network.

Deputy Mayor Andrew Iles – Whakatāne District Council

Key Points

- Road safety improvements being undertaken in the Ōhope to Ōpōtiki corridor had come out of the Safe Road Alliance business case and was funded through NZTA
- Final restoration work was being completed to roading networks from the damage incurred during the 2017 cyclone event
- Tāneatua State Highway 2 road safety improvement work would take place in February 2020 to reduce speed and increase pedestrian safety.

Resolved

That the Regional Transport Committee:

- 1 Receives the report, Update from Committee Members and Advisors.**

**Campbell/Iles
CARRIED**

7.5 Regional Land Transport Plan 2021 Development

Refer PowerPoint Presentation Objective ID A3460465

General Manager Strategy & Science Namouta Poutasi, Team Leader Urban Ruth Feist and Channeled Planning and Contracting consultant Janeane Joyce presented this item and responded to questions.

Key Points

- Noted that in addition to public transport, the Regional Council also had a transport

- planning function which centred on preparing an RLTP
- The draft GPS being released in March 2020 would set the Central Government expenditure for the next ten years
- The RLTP set priorities for the next six years for the Bay of Plenty region
- The NLTP must give effect to the GPS and take into account the RLTP
- Key direction sought was which path to take in terms of options to develop the next RLTP.

Members' Comments

- Spatial planning changes were likely to come through an RMA amendment and would not be available at the time of developing the RLTP
- Noted that all information relevant to creating a futureproof and effective RLTP might not be available in time
- The Committee's focus should be both strategic and tactical.

Items for Staff Follow-up

- The timeline for spatial planning changes from the RMA amendment to be communicated to members of the committee.

Resolved

That the Regional Transport Committee:

1 Receives the report, Regional Land Transport Plan 2021 Development;

Approves Option 2 – 'Build on what we have' as the high level scope for the Regional Land Transport Plan 2021 development process.

Thurston/Nees

*With the support of the mover and seconder the motion was **WITHDRAWN.***

2 Approves a tactical review of the 2018 Regional Land Transport Plan to identify the key areas where targeted strategic analysis is required to meet Central Government direction.

**Nees/Webber
CARRIED**

10.38 am – The meeting **adjourned.**

10.50 am – The meeting **reconvened.**

7.6 Urban Form and Transport Initiative (UFTI) Update

Refer PowerPoint Presentation Objective ID: A3453336

UFTI Project Director Robert Brodnax and Channeled Planning and Contracting consultant Janeane Joyce presented this item and responded to questions.

Key Points of Presentation

- Recapped the purpose, process, objectives and status of UFTI
- The Western Bay of Plenty sub-region is changing and will continue to change
- UFTI Project Objectives – what we're setting out to achieve

- UFTI is part of the SmartGrowth response to these challenges
- SmartGrowth and UFTI initiative 'Transformational Layer'
- District/ City Strategies/ Transport System Plan
- The Draft Interim Report was a mid-way checkpoint through the UFTI Programme
- What we know so far?
- We are undertaking some targeted research to help develop the UFTI programmes
- Some public transport facts to consider
- Key freight movements and generations in the Bay of Plenty
- The UFTI Programmes
- Form follows function
- The base assumptions common to all programmes
- UFTI draft programme ranking
- Tauranga urban rail enabled growth map
- Connected nodes urban village map
- Two main centres map
- Dispersed growth (base case) map
- Programmes requiring further development and evaluation
- Programmes which have inter-regional implications that will need to be weighed up in this process.

Members' Comments

- The purpose of UFTI was to discover the best strategic solution for the sub-region
- Eastern Bay of Plenty economic development was primary industry based and needed to be taken into consideration.

In Response to Questions

- Some of the research through UFTI would be beneficial to long term planning
- New schools had been factored in
- KiwiRail train schedulers had indicated it would be feasible to run a half hour frequency train from Ōmokoroa and Te Puke to Tauranga CBD without disrupting freight flows
- Detailed planning had not yet been carried out for stakeholder workshops
- From a strictly economical perspective, a population of approximately 400,000 was required to sustain a metro rail system.

Resolved

That the Regional Transport Committee:

- 1 Receives the report, Urban Form and Transport Initiative (UFTI) Update.**

**Webber/Riesterer
CARRIED**

7.7 Bay of Plenty Regional Freight Flows Study

Refer PowerPoint Presentation Objective ID A3453166

BECA consultant Craig Richards provided a summary overview of key findings of the Bay of Plenty Regional Freight Flows Study.

Key Points of Presentation

- Intro/ scope/ method
- Three regional EROAD data maps of existing freight movements which included GPS

- data
- Existing freight movements data map of average daily heavy vehicles attraction
- 2018 Annual average daily traffic map showing growth in heavy commercial vehicle volumes
- Key freight movements and generations in the Bay of Plenty
- Predicted future 'business as usual' freight movements
- 2043 Estimated annual average daily traffic for heavy vehicles map
- Rail Freight
- Potential major disruptors
- Key implications

Members' Comments

- Suggested displaying a larger area of the North Island to show regional relationships
- Density on map needed to be increased
- There was a non-freight component to consider in relation to empty containers
- Some of the high volume areas were in the same location as trucking depots which impacted on the network
- A large component of the building material freight movements was rock and aggregate due to the low production in the Bay of Plenty of these products
- Finding alternative sources of supply was a critical part of reducing carbon emissions.

In Response to Questions

- EROAD data maps:
 - The purple route would be broken down to more clearly show the underlying data
 - Where short lines of colour stopped or changed, it was due to the volume data overlapping the key parameters
- The limitations of the study were that it focused only on key commodity movements in the region
- One of the potential major disruptors as identified in the freight flows study was the growth in high value horticulture, including kiwifruit, and the associated seasonal impacts
- Takitumu Drive increase in freight movements was linked to the expansion of the Tauriko Business Estate and increased growth in the Waikato
- For every tonne of freight delivered by rail there was approximately a 66% reduction in carbon emissions as opposed to the road alternative
- Tauriko land use and industrial zoning were factored in
- Ultra high-efficiency low emission diesel vehicles were a possibility.

Resolved

That the Regional Transport Committee:

- 1 Receives the report, Bay of Plenty Regional Freight Flows Study.**

**Riesterer/Iles
CARRIED**

7.8 Regional Land Transport Plan Annual Report Card 2018/19

General Manager, Strategy and Science Namouta Poutasi presented this item.

Key Points

- The report card covered the period July 2018 – June 2019

- The report card was not presented at the previous Committee meeting as there was not sufficient information to report.

Resolved

That the Regional Transport Committee:

- 1 Receives the report, Regional Land Transport Plan Annual Report Card 2018/19.**

**Webber/Campbell
CARRIED**

7.9 Regional Collective Actions update

Team Leader Urban Ruth Feist and Channeled Planning and Contracting consultant Janeane Joyce presented this item.

Resolved

That the Regional Transport Committee:

- 1 Receives the report, Regional Collective Actions update.**

**Campbell/Webber
CARRIED**

7.10 Bay of Plenty Regional Road Safety Statistics

General Manager Strategy and Science Namouta Poutasi presented this item.

Key Points

- 11% of national fatalities occurred in the Bay of Plenty region.

Resolved

That the Regional Transport Committee:

- 1 Receives the report, Bay of Plenty Regional Road Safety Statistics.**

**Webber/Iles
CARRIED**

7.11 Establishment of Western Bay Road Safety Subcommittee

General Manager, Strategy and Science Namouta Poutasi and Finance and Transport Operations Manager Debbie Hyland presented this item.

Key Points

- The key decision sought was whether the Committee should assume the responsibility of the Subcommittee

- The Terms of Reference were based on the original Road Safety Committee, noting that the frequency of meetings had been increased from six monthly to quarterly at the request of Tauranga City Council and Western Bay of Plenty District Council staff
- Proposed the following amendments to the Terms of Reference (Appendix 1):
 - Add New Zealand Automobile Association as an external member
 - Within the Role of the Subcommittee – add ‘to review and endorse the Road Safety Action Plan and Annual Work Programme’.

Members’ Comments

- It was decided to disestablish the previous Road Safety Committee to shift the focus of road safety to a more regional level
- Parking and safety around schools was the Ministry of Education’s role.

In Response to Questions

- The Regional Transport Committee had a key role to play in relation to regional road safety matters
- Sub-regional Road Safety Committee minutes were received by the Regional Transport Committee in the past to ensure road safety was discussed at a regional level.

Resolved

That the Regional Transport Committee:

- 1 *Receives the report, Establishment of Western Bay Road Safety Subcommittee;*
- 2 *Establishes the Western Bay Road Safety Subcommittee as a subcommittee of the Regional Transport Committee;*
- 3 *Approves the Terms of Reference and membership as identified in Appendix 1.*
- 4 **Agreed that this matter be left to lie on the table.**

**Thurston/Riesterer
CARRIED**

Chairperson’s Statement

Key Points

- The Chairperson conveyed condolences to the people of Whakatāne and those affected by the recent tragedy at Whakaari/ White Island. Deputy Mayor Andrew Iles acknowledged the support and assistance offered by councils and staff.
- Acknowledged Regional Development Manager David Phizacklea and the significant contribution he had made to the Regional Council and the Regional Transport Committee.

The meeting closed at 12.23 p.m.

Confirmed DATE

Councillor Lyall Thurston – Chairperson
Regional Transport Committee

REPORT

Date : 6 March 2020
To : Ordinary Council Meeting, 10 March 2020
From : Her Worship the Mayor, L J Riesterer
Subject : **MAYORAL REPORT 17 JANUARY 2020–6 MARCH 2020**
File ID : A192314

Since 17 January 2020, I have attended or met with the following:

18 JANUARY 2020

Lantern Festival

I attended the last big event of the Summer Festival and, again, I was very impressed with the organisation of a great community event – something for everyone at a low price but real quality entertainment. An impressive effort from our i-SITE/Events team.

22 JANUARY 2020

Meeting with health service provider representatives regarding provision of afterhours and acute health care in Ōpōtiki

This meeting was to hear the explanation about how the “new look” acute care programme would be operating from 2 March.

28-29 JANUARY 2020

28 January

Ordinary Council meeting

Council workshop

29 January

Elected member training workshop

One Council meeting followed by an internal workshop and one external training workshop. I felt that after two days of working together, there was a greater understanding of our roles as Councillors, mutual respect around how we talked on issues and the beginnings of a healthy, robust team approach for our decision-making.

30 JANUARY 2020

Met with BOPRC Deputy Chair and CEO

Council Pop-up Shop

A relationship management meeting followed by time at the Pop-Up Shop with BOPRC Deputy Chair, Jane Nees.

31 JANUARY 2020

Council Pop-Up Shop

The Pop-Up- Shop two days were busy and productive. A big thanks to all who took part, especially the ODC staff who contributed and manned their displays so well and the other organisations which were there to share the word about their work in "things Council". Thanks also to the Councillors who gave of their time to be there and share with our community.

6-7 FEBRUARY 2020

6 February

Powhiri for Māori King

Mātaatua Regional Kapa Haka Festival

Interview – Māori Television

7 February

Mātaatua Regional Kapa Haka Festival

The Mataatua Regionals were a spectacular two days and I thoroughly enjoyed my time there being immersed in excellence from our own district's teams as well as those from neighbouring districts. The Thursday afternoon was shared with Mayor Judy Turner.

10 FEBRUARY 2020

Council workshop

Our first workshop on learning about our Annual Plan and the Long Term Plan. Excellent engagement from everyone.

11 FEBRUARY 2020

Coast Community Board meeting, Te Kaha

It is good to see our Coast Community Board working through their agenda with insight and passion for all topics. There was also acknowledgement of Gae Finlay by the Community Board members as she finished her stint as the Board's secretary. Gae mentored Annette Papuni-McLellan through her first full meeting.

14 FEBRUARY 2020

Bay of Plenty Mayoral Forum meeting, Rotorua

Each district was asked to present a brief three issues overview. I covered Housing, Affordability and Social Cohesion as our issues of concern.

17 FEBRUARY 2020

Tour of Council assets

Another good team effort on a tour around our infrastructure assets. Worthwhile to see what we are making our decisions about. Still more to learn for both newer Councillors and some of us on our second visit.

18 FEBRUARY 2020

Regional Aquaculture meeting, Mt Maunganui

Excellent meeting in Tauranga with overviews on "things aquaculture".

20 FEBRUARY 2020

Meeting around free health care and after hours services

Community called meeting where I attended to explain what I knew and listen to concerns from about 30 local residents.

21 FEBRUARY 2020

Meeting with Interim BOP District Health Board Chief Executive, Simon Everitt and Chief Operating Officer, Pete Chandler.

An excellent meeting with Bay of Plenty DHB, Anne Tolley MP, Dickie Farrar, Deputy Mayor Shona Browne and myself. Pleased there was an apology from the DHB for their very poor handling of recent health announcements. Some good steps forward and another updating meeting scheduled for May.

Pre-audit planning meeting with auditors

25 FEBRUARY 2020

Office of the Auditor-General Workshop

Another great workshop for us all as we work our way through the do and don't say of Local Government. Very worthwhile course for us to have delivered.

PGF announcement, Kawerau

The Chief Executive Officer and I travelled to Kawerau to witness Minister Shane Jones' announcement of PGF monies for the three large infrastructure projects needed in Kawerau.

26 FEBRUARY 2020

PGF announcement (Raukōkore), Whangaparaoa

Mayor Judy Turner, Deputy Mayor Shona Browne, Councillor Louis Rāpihana and myself travelled to Whangaparaoa Kura for Minister Shane Jones' PGF announcement around the Raukōkore Irrigation Scheme. This is the second of the catalytic projects funded by the PGF and the second one gained in the Ōpōtiki district.

27 FEBRUARY 2020

Presentation to Land Girls

Eight distinguished senior women who have held high ranking roles in their work life (now all retired) from different parts of the North Island and interested in Ōpōtiki. Both the Chief Executive Officer and I gave them a talk about what makes our district unique and special. The women very much appreciated the presentation.

28 FEBRUARY 2020

NZ Infrastructure Commission Conference, Auckland

A 'quiet day in the office' as funding was announced for our Harbour Transformation Project. A good time was had by all! So pleased that John Forbes was there with John Galbraith, the Chief Executive Officer and myself. Better still, Whakatōhea was represented by Robert Edwards, Tahu Taia, Josie Mortensen and Dickie Farrar.

2 MARCH 2020

Ōpōtiki District Council Risk and Assurance Committee meeting

3 MARCH 2020

Met with TUIA 2020 Rangatahi Leadership Programme participant

4 MARCH 2020

TUIA 2020 Mayoral Workshop, Wellington

5-6 MARCH 2020

Wellington

Rural Provincial Sector Mayors' meeting

Rural Provincial Sector meeting

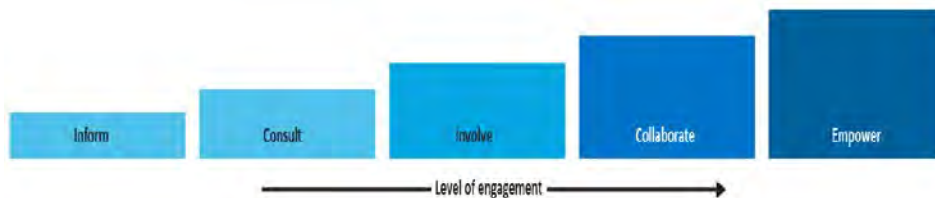
SIGNIFICANCE ASSESSMENT

Assessment of significance

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 for the Mayoral Report is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for the Mayoral Report is considered to be of low the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



RECOMMENDATION:

1. That the report titled "Mayoral Report 17 January 2020 -6 March 2020" be received.

Lyn Riesterer

HER WORSHIP THE MAYOR



REPORT

Date : 20 February 2020
To : Ordinary Council Meeting, 10 March 2020
From : Finance and Corporate Services Group Manager, Bevan Gray
Subject : **STANDING ORDERS – ŌPOTIKI DISTRICT COUNCIL**
File ID : A193219

EXECUTIVE SUMMARY

Following increasing enquiries from the Local Government sector, LGNZ last year revised the template for Standing Orders and have made these available for Local Authorities to pick up and adopt. They have provided a set of Standing Orders for both Councils and Community/Local Boards.

Most Authorities have adopted the LGNZ Standing Orders with little to no amendments given that they were drafted by the sector for the sector.

There are very minor changes between the current and the proposed Standing Orders. The main changes are around making it less restrictive and easier for authorities to undertake business. These are the ability for Councils to use audio and audio-visual technology for participation in meetings, and the other is by allowing the Chairperson at the start of meetings to elect a different and more flexible method for speaking to and moving motions to minimise the risk of having suspended meetings.

PURPOSE

The report provides an overview of the new Standing Orders template developed by LGNZ and recommends that this be adopted with some amendments. The report identifies the key areas where

the Council may wish to review the practice of the previous Council, highlights the legislative updates and provides options for the way that motions and amendments are dealt with.

BACKGROUND

The current Council Standing Orders were updated in 2014 to include the new Mayoral Powers, which came into force on 12 October 2013, relating to the appointment of the Deputy Mayor, the appointment of Committees and Chairpersons of Committees. The Standing Orders were further updated to include amendments to the Local Government Act 2002 (LGA 2002).

Following a growing demand from the sector for an updated version, LGNZ recognised that it was time for a well overdue review of the Model Standing Orders, to bring them up to date and make them easier to use.

A working party, facilitated by LGNZ, was set up in 2016 to update and review the Model Standing Orders. Steve McDowell and Coral Hair were members of that working party.

LGNZ has released special versions of the Standing Orders for regional councils, territorial authorities and community boards. It is recommended that the Council adopt the territorial authorities' version of the Standing Orders (attached as Appendix 1), with some modifications as set out in detail below, and it is recommended that these Standing Orders be applied to all of the Community Boards.

DISCUSSION AND OPTIONS SECTIONS

Standing Orders are part of the framework of processes and procedures designed to ensure that the system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which is set out in section 39 of the (LGA 2002).

Standing Orders are also a means of recording the Council's agreed principles of behaviour within meetings. Using Standing Orders as a guide to the way that the Council conducts its meetings helps to promote teamwork by:

- allowing structured discussion of topics;
- ensuring respect for the opinions of others;
- ensuring tact and appropriate language is used in resolving conflict;
- promoting the use of persuasion and influencing skills to gain a team outcome

All Councils are required by Clause 27, Schedule 7 of the Local Government Act 2002 to adopt a set of Standing Orders that control the way the Council's meetings are conducted. The Standing Orders must not contravene the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 (LGOIMA) or any other Act.

Format

The LGNZ Standing Orders template has been structured in three parts:

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

The Appendices provide templates and additional guidance, however, these are not part of the Standing orders themselves and can be amended without an agreement of 75% of the members present.

The Standing Orders combine statutory provisions with guidance on their application.

Process for adoption

Local Authorities, local boards and community boards must adopt Standing Orders for orderly conduct of their meetings. The approval of at least 75% of members present at the meeting is required to adopt (and amend) Standing Orders.

The Standing Orders template provided by LGNZ contains three optional provisions that must be resolved prior to adoption. For efficiency staff recommend:

- a provision for a casting vote by a Chairperson (SO 19.3)
- the option to join meetings by audio and audio-visual link (SO 13.7) to be added to the resolution.
- the choice of three different ways of dealing with motions and amendments (SO 22). Option C is the preference as recommended by Governance Solutions workshop held at Ōpōtiki District Council chambers 29 January 2020.

These are consistent with Councils status quo practice.

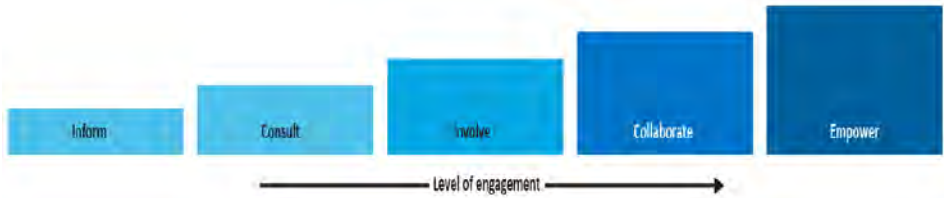
SIGNIFICANCE ASSESSMENT

Assessment of significance

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 in relation to the matters of this Report Standing Orders to Ordinary Council Meeting are not considered to be significant as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of significance

As the level of significance for this Report Standing Orders to Ordinary Council Meeting is considered to be of low significance the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



CONSIDERATIONS

Financial/budget considerations

There are no financial or budget implications.

Policy and planning implications

The adoption of an amended set of Standing Orders is not inconsistent with the Council’s previous decision when adopting the last set of Standing Orders.

Risks

The Council is required to have adopted a set of Standing Orders. There is minimal risk in either keeping the current Standing Orders or amending them, as meetings must comply with the legislation.

Authority

The Council has the authority to amend and adopt Standing Orders as long as 75% or more of those present at the meeting agree.

CONCLUSION

The current Standing Orders remain in place until a new set of standing orders is adopted. Any change requires agreement of not less than 75% of the members present. The proposed Standing Orders are based on best practice and include provisions for audio and audio-visual link and webcasting when and if the Council chooses to use these provisions.

RECOMMENDATIONS:

- 1. That the report titled "Standing Orders Ōpōtiki District Council" be received.**
- 2. That the Council adopt the Draft Opotiki District Council Standing Orders based on the LGNZ template including the following:**
 - a provision for a casting vote by a Chairperson (SO 19.3).
 - the option to join meetings by audio and audio-visual link (SO 13.7).
 - Option C for dealing with motions and amendments (SO 22.4).

Bevan Gray

FINANCE AND CORPORATE SERVICES GROUP MANAGER



Ōpōtiki District Council

STRONG COMMUNITY STRONG FUTURE

Standing Orders

For meetings of the Opotiki District Council

(including all committees and sub-committees)

Date standing orders adopted

Preface

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

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

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

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

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

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

LGNZ has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

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1. Introduction

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

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

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

The Appendix, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and are also not part of the standing orders.

1.1 Principles

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

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

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

1.2 Statutory references

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

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

1.3 Acronyms

LGA 2002 Local Government Act 2002

LGOIMA Local Government Official Information and Meetings Act 1987

LAMIA Local Authorities (Members' Interests) Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2. Definitions

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

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

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

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

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

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

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

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

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

Committee includes, in relation to a local authority:

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

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

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

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

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

Electronic link means both an audio and audio visual link.

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

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

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

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

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

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

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

Leave of absence means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

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

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

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

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

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

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

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

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

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

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

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

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

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

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

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the person chairing a meeting.

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

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

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

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

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

Public notice in relation to a notice given by a local authority, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site. And in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

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

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

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

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

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

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

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Secunder means the member who seconds a motion.

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

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

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

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

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

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between the 20th of December and the 10th of January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

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

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

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

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

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

3.2 Process for adoption and alteration of standing orders

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

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

3.3 Members must obey standing orders

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

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

3.4 Application of standing orders

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

3.5 Temporary suspension of standing orders

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

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

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

3.6 Quasi-judicial proceedings

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

3.7 Physical address of members

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

4. Meetings

4.1 Legal requirement to hold meetings

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

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

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

4.2 Meeting duration

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

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

4.3 Language

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

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

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

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

4.5 First meeting (inaugural)

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

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

4.6 Requirements for the first meeting

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

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

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

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

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

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

5. Appointments and elections

5.1 Mayoral appointment of deputy Mayor, committee chairs and members

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

s. 41A (3) LGA 2002.

5.2 Council Discharge of a Mayoral Appointment

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

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

cl. 31, Schedule 7 LGA 2002.

5.3 Establishment of committees by the Mayor

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

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

Please note that a Mayor is a member of every committee unless specific legislation provides otherwise, for example a committee established under s. 189 of the Sale and Supply of Alcohol Act 2012.

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

5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.6) when electing people to the following positions:

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

Please note, this provision does not apply in situations where a mayor has used their appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See Appendix 9.

cl. 25 Schedule 7, LGA 2002.

5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 10.

cl. 18, Schedule 7, LGA 2002.

5.6 Voting system for chairs, deputy Mayors and committee chairs

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

System A

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

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

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

System B

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

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

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

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

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

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

6.2 Committees may delegate

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

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

6.3 Use of delegated powers

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

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

6.4 Decisions made under delegated authority cannot be rescinded or amended

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

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

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

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

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

6.6 Duty to consider delegations to community boards

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

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

Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Office's declaration until the new council is sworn in. See the 2019 Guide to Standing Orders for further information.

7. Committees

7.1 Appointment of committees and subcommittees

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

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

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

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

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

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

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

7.3 Appointment or discharge of committee members and subcommittee members

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

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

7.4 Elected members on committees and subcommittees

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

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

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

7.5 Local authority may replace members if committee not discharged

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

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

7.6 Membership of Mayor

The Mayor is a member of every committee of the local authority unless specific legislation provides otherwise, such as a committee established under s. 189 of the Sale and Supply of Alcohol Act 2012.

s. 41A (5), LGA 2002.

7.7 Decision not invalid despite irregularity in membership

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

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

cl. 29, Schedule 7, LGA 2002.

7.8 Appointment of joint committees

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

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

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

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

7.9 Status of joint committees

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

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

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

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

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

Pre-meeting

8. Giving notice

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

8.1 Public notice – ordinary meetings

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

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

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

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

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) Resolution of the council, or
- (b) A requisition in writing delivered to the chief executive which is signed by:
 - i. The Mayor; or
 - ii. Not less than one third of the total membership of the council (including vacancies).

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

8.4 Notice to members - extraordinary meetings

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

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

8.5 Emergency meetings may be called

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Mayor; or
- (b) If the Mayor is unavailable, the chief executive.

cl. 22A(1), Schedule7 LGA 2002.

8.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

cl. 22A (2), Schedule7 LGA 2002.

8.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

- (a) To be publicly notified as soon as practicable before the meeting is to be held; or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

s. 46 (3) LGOIMA.

8.8 Meetings not invalid

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

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

s. 46 (6), LGOIMA.

8.9 Resolutions passed at an extraordinary meeting

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

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

s. 51A, LGOIMA.

8.10 Meeting schedules

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

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

8.11 Non-receipt of notice to members

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

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

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

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

8.12 Meeting cancellations

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

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

9. Meeting agenda

9.1 Preparation of the agenda

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

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

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 13.

9.3 Chief executive may delay or refuse request

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

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

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 12.

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

9.5 Chairperson's recommendation

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

9.6 Chairperson's report

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

9.7 Public availability of the agenda

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

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

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

The agenda:

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

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

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

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

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

9.11 Status of agenda

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

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

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

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

s. 46A (7), LGOIMA.

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

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

9.13 Discussion of minor matters not on the agenda

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

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

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

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

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

s. 52, LGOIMA.

Meeting Procedures

10. Opening and closing

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum

11.1 Council meetings

The quorum for a meeting of the council is:

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

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

11.2 Committees and subcommittee meetings

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. (See also 7.4).

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

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

11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

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

11.4 Requirement for a quorum

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

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

11.5 Meeting lapses where no quorum

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

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

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

11.6 Business from lapsed meetings

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

12. Public access and recording

12.1 Meetings open to the public

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

s.47 & 49(a), LGOIMA.

12.2 Grounds for removing the public

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

12.3 Local authority may record meetings

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

12.4 Public may record meetings

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

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

13. Attendance

13.1 Members right to attend meetings

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

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

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

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

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

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

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

13.3 Leave of absence

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy.

The Mayor may approve a members' application, and the Council may approve an application from the Mayor. The Mayor will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

13.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Mayor (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

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

13.5 Recording apologies

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

13.6 Absent without leave

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

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

13.7 Right to attend by audio or audio visual link

Provided the conditions in standing orders 13.11 and 13.12 are met members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

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

cl. 25A (4), Schedule 7, LGA 2002.

13.9 Member's status: voting

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

13.10 Chairperson's duties

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

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:

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

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

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

13.11 Conditions for attending by audio or audio visual link

Noting standing order 13.7, the Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

13.12 Request to attend by audio or audio visual link

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

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

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

13.13 Chairperson may terminate link

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

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

13.14 Giving or showing a document

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

- (a) Transmitting it electronically;
- (b) Using the audio visual link; or
- (c) Any other manner that the Chairperson thinks fit.

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

13.15 Link failure

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

13.16 Confidentiality

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

14. Chairperson's role in meetings

14.1 Council meetings

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

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

14.2 Other meetings

In the case of committees, subcommittees and subordinate decision-making bodies, the appointed Chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.

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

14.3 Addressing the Chairperson

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

14.4 Chairperson's rulings

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

14.5 Chairperson standing

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

14.6 Member's right to speak

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

14.7 Chairperson may prioritise speakers

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

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

15. Public Forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a committee, subcommittee, local or community board, any issue, idea or matter raised in a public forum must fall within the terms of reference of that body.

15.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however this requirement may

be waived by the Chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

15.2 Restrictions

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

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

15.3 Questions at public forums

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

15.4 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

16. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

16.1 Time limits

Speakers can speak for up to 5 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

16.2 Restrictions

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

- A speaker is repeating views presented by an earlier speaker at the meeting;

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

16.3 Questions of a deputation

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

16.4 Resolutions

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

17. Petitions

17.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards, as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

17.2 Petition presented by petitioner

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

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

17.3 Petition presented by member

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

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

18. Exclusion of public

18.1 Motions and resolutions to exclude the public

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

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

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

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

s. 48 LGOIMA.

18.2 Specified people may remain

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

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

s.48 (6) LGOIMA.

18.3 Public excluded items

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

s.46A (8) LGOIMA.

18.4 Non-disclosure of information

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

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

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

18.5 Release of information from public excluded session

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

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

19. Voting

19.1 Decisions by majority vote

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

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

19.2 Open voting

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

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

19.3 Chairperson has a casting vote

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

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

19.4 Method of voting

The method of voting must be as follows:

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

19.5 Calling for a division

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

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

19.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

19.7 Members may abstain

Any member may abstain from voting.

20. Conduct

20.1 Calling to order

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

20.2 Behaviour consistent with Code of Conduct

No member, at any meeting, may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

20.3 Retractions and apologies

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

20.4 Disorderly conduct

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

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

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

20.5 Contempt

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

20.6 Removal from meeting

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

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

20.7 Financial conflicts of interests

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

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

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

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

s. 6 & 7 LAMIA.

20.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority (or local or community board) could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member

considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

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

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

20.9 Qualified privilege for meeting proceedings

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

s. 53, LGOIMA.

20.10 Qualified privilege additional to any other provisions

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

s. 53, LGOIMA.

20.11 Electronic devices at meetings

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

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

21. General rules of debate

21.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

21.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and

- (c) Other members – not more than 5 minutes.

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

21.3 Questions to staff

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

21.4 Questions of clarification

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

21.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of the council, except with permission of the Chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on number of speakers

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

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

21.7 Secunder may reserve speech

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

21.8 Speaking only to relevant matters

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

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

21.9 Restating motions

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

21.10 Criticism of resolutions

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

21.11 Objecting to words

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

21.12 Right of reply

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

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

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

21.13 No other member may speak

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

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

21.14 Adjournment motions

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

21.15 Chairperson's acceptance of closure motions

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

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

22. General procedures for speaking and moving motions

22.1 Options for speaking and moving

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

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

22.2 Option A

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

22.3 Option B

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

22.4 Option C

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

22.5 Procedure if no resolution reached

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

23. Motions and amendments

23.1 Proposing and seconding motions

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

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

23.2 Motions in writing

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

23.3 Motions expressed in parts

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

23.4 Substituted motion

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

23.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

23.6 Chairperson may recommend amendment

A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the council can include in the motion an amendment to the committee or sub-committee's recommendation.

23.7 Foreshadowed amendments

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

23.8 Lost amendments

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

23.9 Carried amendments

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

23.10 Where a motion is lost

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

23.11 Withdrawal of motions and amendments

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

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

23.12 No speakers after reply or motion has been put

A member may not speak to any motion once:

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

24. Revocation or alteration of resolutions

24.1 Member may move revocation of a decision

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

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

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

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

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

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

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

24.3 Requirement to give notice

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

24.4 Restrictions on actions under the affected resolution

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

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

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

24.5 Revocation or alteration by resolution at same meeting

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

24.6 Revocation or alteration by recommendation in report

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

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

25. Procedural motions

25.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

25.2 Procedural motions to close or adjourn a debate

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

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

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

25.3 Voting on procedural motions

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

25.4 Debate on adjourned items

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

25.5 Remaining business at adjourned meetings

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

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

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

25.7 Other types of procedural motions

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

26. Points of order

26.1 Members may raise points of order

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

26.2 Subjects for points of order

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

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

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

26.4 Point of order during division

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

26.5 Chairperson's decision on points of order

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

27. Notices of motion

27.1 Notice of intended motion to be in writing

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

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

27.2 Refusal of notice of motion

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

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

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

27.3 Mover of notice of motion

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

27.4 Alteration of notice of motion

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

27.5 When notices of motion lapse

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

27.6 Referral of notices of motion

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

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

27.7 Repeat notices of motion

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

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

28. Minutes

28.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

28.2 Matters recorded in minutes

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

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

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

28.3 No discussion on minutes

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

28.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority and any local and community boards before the next election of members.

29. Keeping a record

29.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

s. 17 Public Records Act 2005.

29.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

s. 229(1) of the Contract and Commercial Law Act 2017.

29.3 Inspection

Whether held in hard copy or in electronic form minutes must be available for inspection by the public.

s. 51 LGOIMA.

29.4 Inspection of public excluded matters

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

Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public

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

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

See s.7 LGOIMA 1987.

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

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
- (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See s. 48 LGOIMA.

Appendix 2: Sample resolution to exclude the public

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

1 that the public is excluded from:

- The whole of the proceedings of this meeting; *(deleted if not applicable)*
- The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; <ul style="list-style-type: none"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).

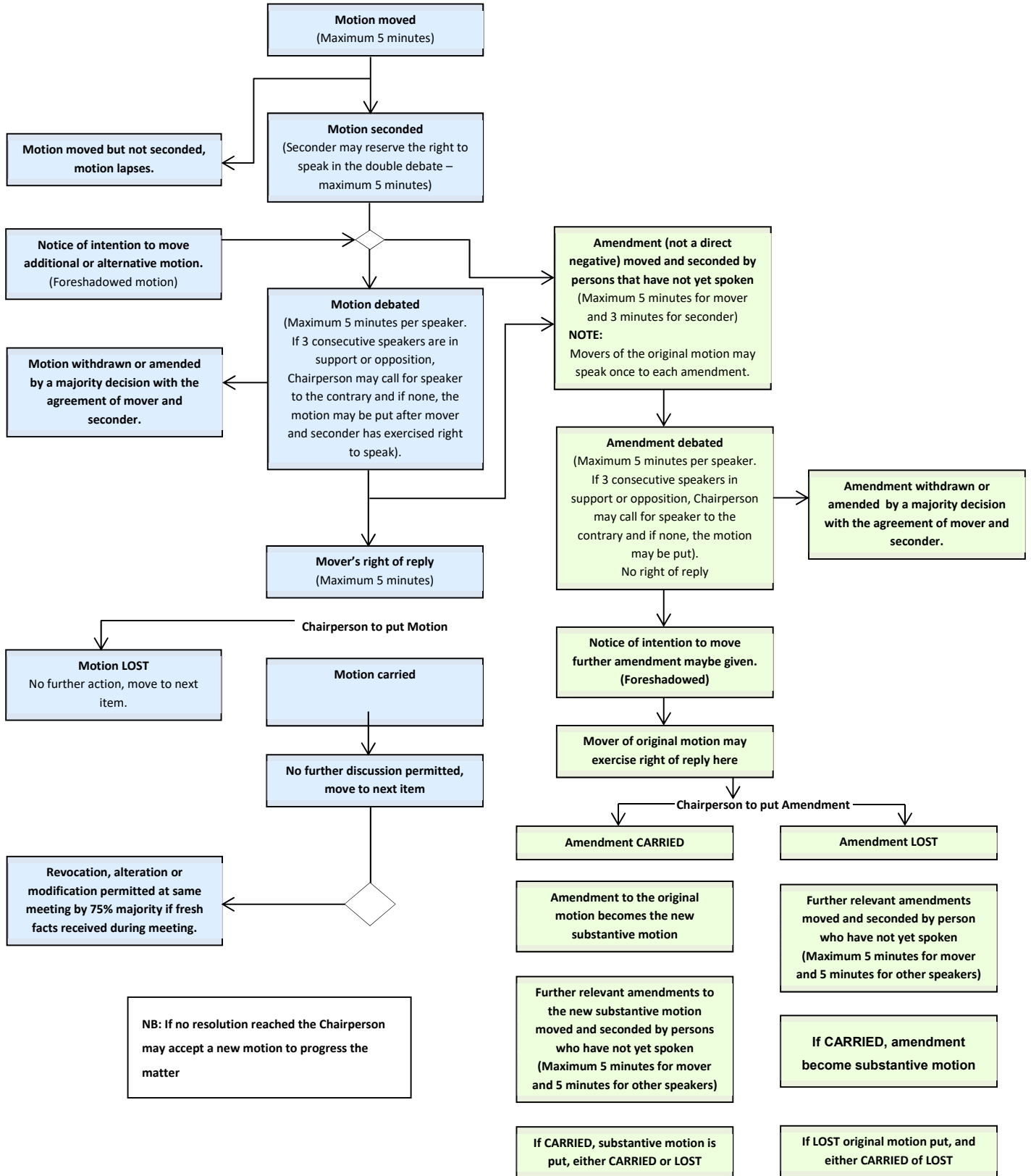
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

2. That *(name of person(s))* is permitted to remain at this meeting after the public has been excluded because of their knowledge of *(specify topic under discussion)*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *(specify)*. *(Delete if inapplicable.)*

Appendix 3: Motions and amendments (Option A)

Motions without amendments

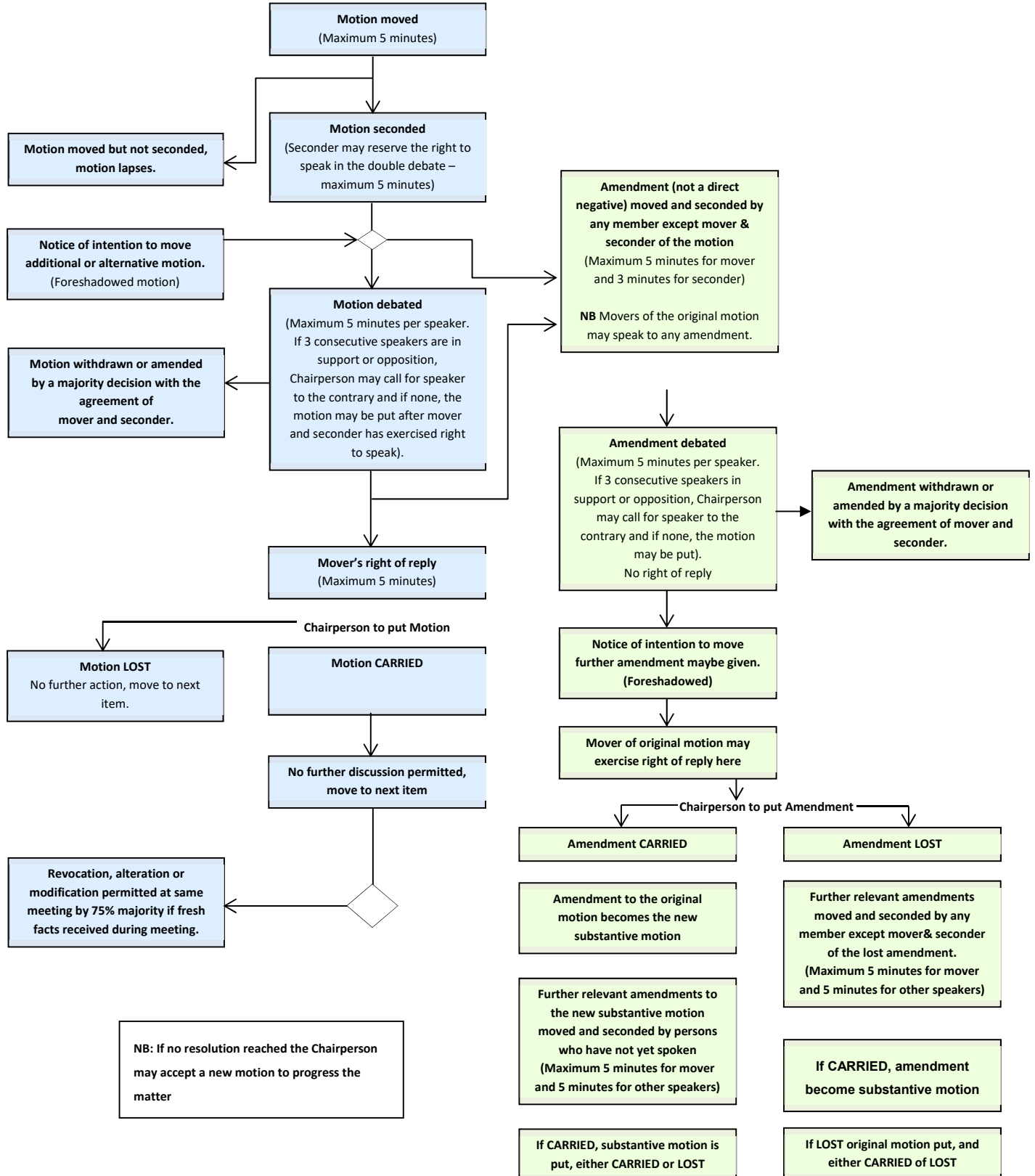
Motions with amendments



Appendix 4: Motions and amendments (Option B)

Motions without amendments

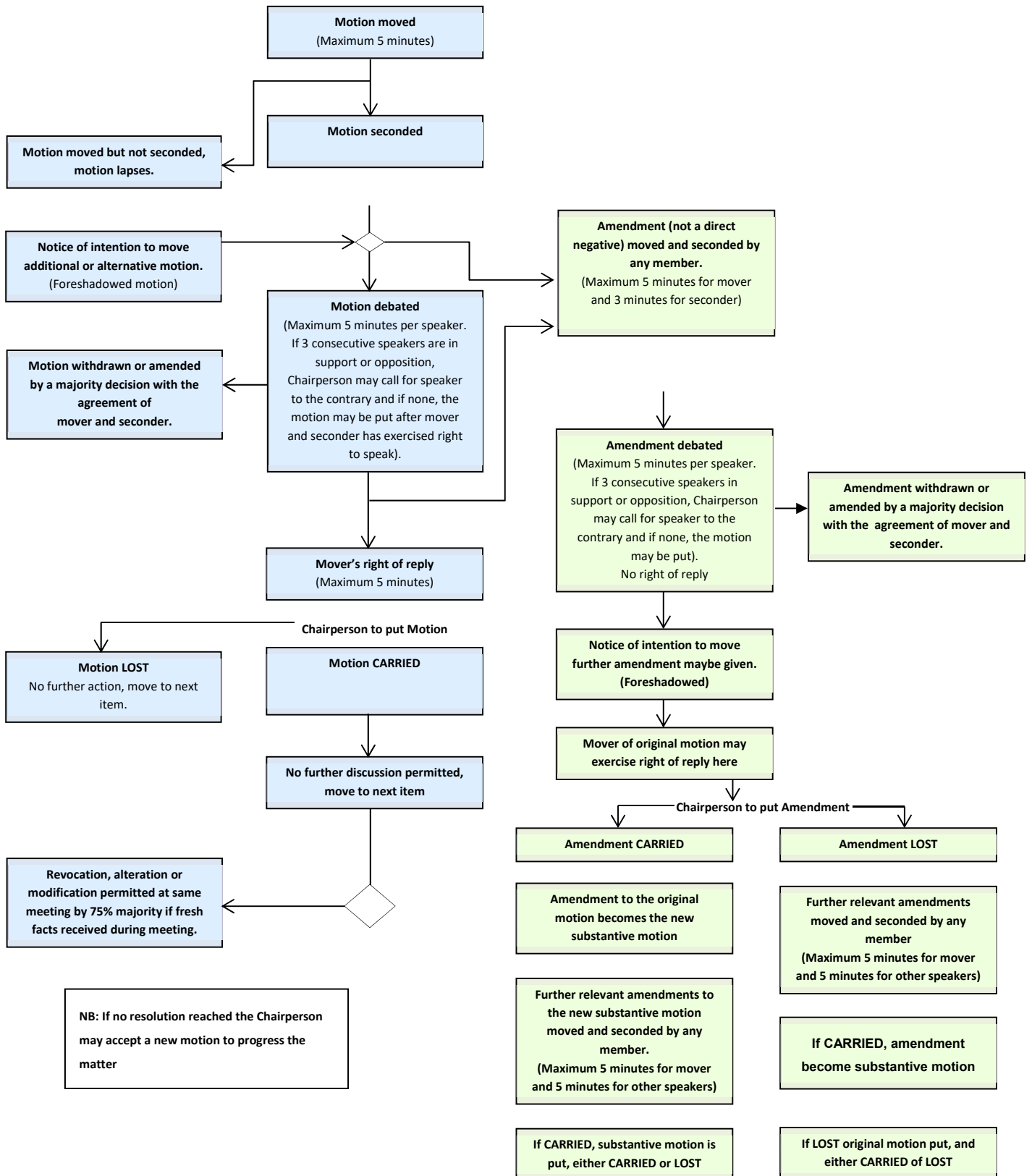
Motions with amendments



Appendix 5: Motions and amendments (Option C)

Motions without amendments

Motions with amendments



Appendix 6: Table of procedural motions

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

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

Appendix 7: Webcasting protocols

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

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

Appendix 8: Powers of a Chairperson

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

Chairperson to decide all questions

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

Chairperson to decide points of order

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

Items not on the agenda

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

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

Chairperson's report

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

Chairperson's recommendation

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

Chairperson's voting

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

Motion in writing

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

Motion in parts

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

Notice of motion

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

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

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

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

Action on previous resolutions

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

Repeat notice of motion

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

Revocation or alteration of previous resolution

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

Chairperson may call a meeting

The Chairperson:

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

Irrelevant matter and needless repetition

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

Taking down words

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

Explanations

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

Chairperson rising

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

Members may leave places

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

Priority of speakers

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

Minutes

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

Questions of speakers

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

Withdrawal of offensive or malicious expressions

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

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

Chairperson's rulings

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

Disorderly behaviour

The Chairperson may:

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

Failure to leave meeting

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

Audio or audio visual attendance

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

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

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

Appendix 9: Mayors' powers to appoint under s.41A

The role of a Mayor is:

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

The Mayor has authority to:

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

The Council retains the ability to:

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

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

Appendix 10: Process for removing a Chairperson or deputy Mayor from office

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

cl. 18 Schedule 7, LGA 2002.

Appendix 11: Workshops

Definition of workshop

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

Application of standing orders to workshops

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

Calling a workshop

Workshops, briefings and working parties may be called by:

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

Process for calling workshops

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

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

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

Record of workshop

A written record of the workshop should be kept and include:

- Time, date, location and duration of workshop;
- Person present; and
- General subject matter covered.

Appendix 12: Sample order of business

Open section

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

Public excluded section

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

Appendix 13: Process for raising matters for a decision

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

- Report of chief executive;
- Report of a Chairperson;
- Report of a committee;
- Report of a community and/or local board; or
- Notice of motion from a member.

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

- Report of chief executive; or
- Report of Chairperson.

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



REPORT

Date : 20 February 2020

To : Ordinary Council Meeting, 10 March 2020

From : Finance and Corporate Services Group Manager, Bevan Gray

Subject : **CODE OF CONDUCT – ŌPOTIKI DISTRICT COUNCIL**

File ID : A192766

EXECUTIVE SUMMARY

Following increasing enquiries from the local government sector LGNZ last year revised the template for Code of Conduct and have made these available for Local Authorities to pick up and adopt. They have provided a template for Councils to use.

All local authorities must have a Code of Conduct which sets out understandings and expectations about the manner in which elected members may conduct themselves while acting in their capacity as elected members. It is good practice to review the Code of Conduct on a regular basis, and as soon as practicably following every triennial election. A draft Code of Conduct is attached as an appendix along with the guidelines put together by LGNZ.

PURPOSE

To review and adopt Council's Code of Conduct for the 2019-2022 triennium.

BACKGROUND

Schedule seven of the Local Government Act 2002 requires Councils to adopt a Code of Conduct which sets out understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members.

Council has had a Code of Conduct in place as required by the Local Government Act 2002 for a number of years. It is considered good practice to review and reaffirm the Code of Conduct as soon as possible after each and every triennial election. The intent being to ensure the Code of Conduct remains current and in the forefront of the minds of Elected Members as they conduct Council business.

The draft Code of Conduct and LGNZ Guidelines are provided as an appendix for member's consideration. The draft Code of Conduct is based on the LGNZ template without any amendments, these have been reviewed and put together by LGNZ with input from the sector, and is recognised as best practice.

DISCUSSION AND OPTIONS SECTIONS

Council has no choice but to adopt a Code of Conduct, it is required by legislation.

Council may consider:

- Adopting the draft Code of Conduct as provided with no amendments; or,
- reaffirming the adoption of the existing Code of Conduct with or without amendments; and/or,
- to make amendments to the draft Code of Conduct as it sees fit.

Pursuant to the Local Government Act 2002 an amendment of the Code of Conduct requires, in every case, a vote of not less than 75% of the members present.

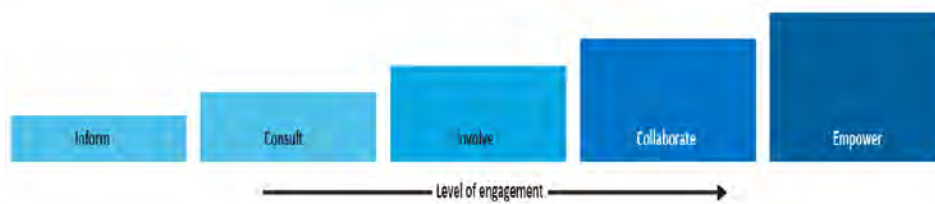
SIGNIFICANCE ASSESSMENT

Assessment of significance

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 in relation to the matters of this report Code of Conduct – Ōpōtiki District Council are not considered to be significant as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for this report is considered to be of low significance the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



CONSIDERATIONS

Financial/budget considerations

There are no financial or budget implications

Risks

The Council is required to adopt a Code of Conduct. There is minimal risk in either keeping the current Code of Conduct or amending it, as members must comply with the legislation.

Authority

The Council has the authority to amend and adopt a Code of Conduct as long as 75% or more of those present at the meeting agree.

CONCLUSION

The current Code of Conduct remains in place until a new Code of Conduct is adopted. Any change requires agreement of not less than 75% of the members present. The proposed Code of Conduct is based on best practice across the sector.

RECOMMENDATIONS:

- 1. That the report titled "Code of Conduct – Ōpōtiki District Council" be received.**
- 2. That the Council adopt the Opotiki District Council Code of Conduct based on the LGNZ template.**

Bevan Gray

FINANCE AND CORPORATE SERVICES GROUP MANAGER



Ōpōtiki District Council
STRONG COMMUNITY STRONG FUTURE

Opotiki District Council

Code of Conduct

Adopted on the

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1. Introduction

The Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in the code.

2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner;
3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.¹

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

4. Role and responsibilities

The Code of Conduct is designed to strengthen the good governance of your city, district or region. Good governance requires that the complementary roles of the governing body and the administration are understood and respected. These roles involve:

4.1 Members

The role of the governing body includes:

- Representing the interests of the people of the city, district or region;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of the Council against stated goals and objectives set out in its long term plan;

¹ See Code of Conduct Guide for examples.

- Providing prudent stewardship of the Council's resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of the Council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the local authority;
- 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 Council; and
- Employing, on behalf of the Council, the staff of the local authority, (including negotiation of the terms of employment for those staff).

The Chief Executive is the only person *directly* employed by the Council itself (s.42 LGA 2002). All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the Council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open, honest and courteous;
- Is focused on issues rather than personalities;
- Avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- Avoids aggressive, bullying or offensive conduct, including the use of disrespectful or malicious language.

Please note, nothing in this section of the Code is intended to limit robust debate.

5.2 Relationships with staff

An important element of good governance involves the relationship between a Council, its chief executive and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

- Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor/Chair or the chairperson of the Chief Executive Performance Review Committee (however described);
- Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect and not publicly criticise any employee; and
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

Please note, elected members should be aware that failure to observe this portion of the Code may compromise the Council's obligations to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's annual audit.

5.3 Relationship with the public

Given the vital role that democratic local government plays in our communities it is important that Councils have the respect and trust of their citizens. To facilitate trust and respect in their Council members will:

- Ensure their interactions with citizens are fair, honest and respectful;
- Be available to listen and respond openly and honestly to citizens' concerns;
- Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and
- Ensure their interactions with citizens and communities uphold the reputation of the local authority.

6. Media and social media

The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council. Any failure by member to comply with the provisions of this section can represent a breach of the Code.

1. In dealing with the media elected members must clarify whether they are communicating a view endorsed by their Council, committee or community board, or are expressing a personal view.
2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:
 - o Comments shall be consistent with the Code;
 - o Comments must not purposefully misrepresent the views of the Council or the views of other members;
 - o Social media pages controlled by members and used for making observations relevant to their role as an elected members should be open and transparent, except where abusive or inflammatory content is being posted; and
 - o Social media posts about other members, council staff or the public must be consistent with section five of this Code. (See **Appendix A** for guidelines on the personal use of social media).

7. Information

Access to information is critical to the trust in which a local authority is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

7.1 Confidential information

In the course of their duties members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the chief executive as soon as practicable.

8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner has a pecuniary interest, such as through a contract with the Council. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*. Members may also contact the Office of the Auditor-General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of LAMIA could potentially invalidate a decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution (see **Appendix B**). In the event of a conviction elected members can be ousted from office.

9. Register of Interests

Members shall, at least annually, make a declaration of interest. These declarations are recorded in a public Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including:

- a) Any employment, trade or profession carried on by the member or the members' spouse/partner for profit or gain;
- b) Any company, trust, partnership etc for which the member or their spouse/partner is a director, business partner or trustee;
- c) A description of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) A description of any land owned by the local authority in which the member or their spouse/partner is:
 - A tenant; or
 - The land is tenanted by a firm in which the member or spouse/partner is a business partner; a company of which the member or spouse/partner is a director; or a trust of which the member or spouse/partner is a trustee.

- e) Any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Please note, where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families, personal or business interests;
- Only use the Council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of the code.

11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment or evaluation of the Council's performance and operating style during the triennium.²
- Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfill their Declaration of Office (the Oath) and contribute to the good governance of the city, district or region.

²A self-assessment template is provided in the Guidance to the code.

12. Breaches of the Code

Members must comply with the provisions of the code (LGA 2002, schedule 7, cl. 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

12.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under the code has occurred:

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;
- That the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- That the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This includes, conditional on the nature of an alleged breach, directly affected parties:
 - Have a right to know that an investigation process is underway;
 - Are given due notice and are provided with an opportunity to be heard;
 - Have confidence that any hearing will be impartial;
 - Have a right to seek appropriate advice and be represented; and
 - Have their privacy respected.

12.2 Complaints

All complaints made under the code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive must forward the complaint to the Mayor/Chair or, where the Mayor/Chair is a party to the complaint, an independent investigator, drawn from a pool of names or agency agreed in advance.

Please note, only members and the Chief Executive may make a complaint under the code.

Complaint referred to Mayor/Chair

On receipt of a complaint made under the provisions of the Council's Code of Conduct the Mayor/Chair will, as the situation allows:

- Interview the complainant to assess the full extent of the complaint.
- Interview the member(s) subject to the complaint.
- Assess the complaint to determine materiality.
- Where a complaint is assessed by the Mayor/Chair to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution.

- Where a complaint is found to be material, or no mutually agreed solution can be reached, the Mayor/Chair will refer the complaint back to the Chief Executive who will forward it, along with any recommendations made by the Mayor/Chair, to the Council or an adjudicative body established by the Council to assess and rule on complaints made under the Code.³

If the Mayor/Chair chooses they may, instead of undertaking an initial assessment, immediately refer the complaint to the independent investigator, via the Chief Executive.

Complaint referred to Independent Investigator

On receipt of a complaint from a member which concerns the Mayor/Chair, or from the Mayor/Chair after initial consideration, the Chief Executive will forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to the Council or an adjudicative body for assessing and ruling on complaints.⁴ The process, following receipt of a complaint, will follow the steps outlined in **Appendix C.**

12.3 Materiality

An alleged breach under the Code is material if, in the opinion of the Mayor/Chair or independent investigator, it would bring the Council into disrepute or, if not addressed, adversely affect the reputation of a member.

An alleged breach under this Code is non-material if, in the opinion of the Mayor/Chair or independent investigator, any adverse effects are minor and no investigation or referral is warranted.

13. Penalties and actions

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach.

13.1 Material breaches

In the case of material breaches of the Code, the Council, or the adjudicative body with delegated authority, may require one of the following:

1. A letter of censure to the member;
2. A request (made either privately or publicly) for an apology;
3. Removal of certain Council-funded privileges (such as attendance at conferences);
4. Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;

³ Advice on establishing adjudication bodies can be found in the Guide to the Code of Conduct.

⁴ On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as Equip.

5. Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. Limitation on any dealings with Council staff other than the Chief Executive or identified senior manager;
7. A vote of no confidence in the member;
8. Suspension from committees or other bodies to which the member has been appointed; or
9. Invitation to the member to consider resigning from the Council.

A Council or adjudicative body with delegated authority may decide that instead of a penalty, one or more of the following may be required:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA);
- Breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.44 LGA 2002 which may result in the member having to make good the loss or damage); or
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

14. Review

Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at the Council meeting at which the amendment is considered.

Councils are encouraged to formally review their existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium in order to ensure that all members have the opportunity to provide their views on the Code's provisions.

Appendix A: Guidelines on the personal use of social media⁵

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to your Council.

1. **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to the Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important you are encouraged to share them with the governing body.
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Council or its activities you should consider referring the posts to the Council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives.** Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Elected Members' social media pages should be open and transparent.** When commenting on matters related to the local authority no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

⁵ Based on the Ruapehu District Council Code of Conduct.

Appendix B: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse/partner or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests, a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- A person, or spouse/partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- A person, or their spouse/partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the Council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned."
(OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors:

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?

- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor/Chair or other person, to determine if they should discuss or vote on an issue, but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the Council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or committee of the Council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- Members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- Members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform, then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Local Government Official Information and Meetings Act 1987

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

- Create a disturbance or a distraction while another Councillor is speaking;
- Be disrespectful when they refer to each other or other people; or
- Use offensive language about the Council, other members, any employee of the Council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

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

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

Crimes Act 1961

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

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- Use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles, and details the personal liability of members.

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) A liability has been unlawfully incurred by the local authority; or
- d) A local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.⁸⁹⁰

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) Without the member's knowledge;
- b) With the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) Contrary to the manner in which the member voted on the issue; and
- d) In circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situations members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

Appendix C: Process where a complaint is referred to an independent investigator

The following process is a guide only and Councils are encouraged to adapt this to their own specific circumstances.

Step 1: Chief Executive receives complaint

On receipt of a complaint under the Code, whether from a member (because the complaint involves the Mayor/Chair) or from the Mayor/Chair after an initial assessment, the Chief Executive will refer the complaint to an investigator selected from a list agreed at the start of the triennium. The Chief Executive will also:

- Inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- Inform the respondent that a complaint has been made against them, the name of the investigator and remind them of the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. The complaint is trivial or frivolous and should be dismissed;
2. The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;
3. The complaint is minor or non-material; or
4. The complaint is material and a full assessment is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties, which are then forwarded to the Council's Chief Executive. On receiving the investigator's preliminary assessment the Chief Executive will:

1. Where an investigator determines that a complaint is trivial or frivolous, inform the complainant, respondent and other members (if there are no grounds for confidentiality) of the investigator's decision.
2. In cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform the Chief Executive who will then inform the complainant, the respondent and members.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material, but more than trivial or frivolous, the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- That the respondent is referred to the Mayor/Chair for guidance; and/or
- That the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

Step 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach. In preparing that report, the investigator may:

- Consult with the complainant, respondent and any directly affected parties; and/or
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

Step 5: Process for considering the investigator's report

The investigator's report will be considered by the Council or adjudicative body established for considering reports on Code of Conduct complaints, or any other body that the Council may resolve, noting that the process will meet the principles set out in section 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 13.1 of the Code.

The report, including recommendations from the adjudicative body, should that body have no formal delegations, will be heard and accepted by the Council in open session, unless grounds for excluding the public exist, without debate.

REPORT

Date : 20 February 2020

To : Ordinary Council Meeting, 10 March 2020

From : Finance and Corporate Services Group Manager

Subject : **2020/21 ANNUAL PLAN PROCESS**

File ID : A192938

EXECUTIVE SUMMARY

This report outlines the considerations that Council must take into account when resolving its process around adopting an Annual Plan. Legislation changed in 2014 allowing Councils to decide whether or not to undertake a special consultative process on their Annual Plans should they not be significantly different to the LTP. ODC was one of the few councils that opted to take advantage of these new provisions in the Act, and instead decided to prepare an “Information and Engagement Document” instead, and use this to receive feedback from the community. This approach was commended by the Office of the Auditor General.

The recommendation is that we follow the same process this year and prepare an “Information and Engagement Document” for the community as there is nothing materially different to the LTP.

PURPOSE

The purpose of this report is to obtain a resolution from Council on the consultation process around the upcoming 2020/21 Annual Plan.

BACKGROUND

Changes to the legislation in August 2014 around the preparation of Annual Plans allowed Councils flexibility on the process if the Annual Plan did not propose anything significantly different to that which was included in the relevant Long Term Plan.

Councils that do propose significant changes are still required to consult with the public, utilising a special consultative procedure under Section 83 of the Local Government Act 2002. This process presents the options that Council is considering, costs and impacts to levels of service, and seeks input from the public, in particular those that are affected by the proposed change on what option to choose.

Government enacted this legislation change to allow Councils to save money and time through the Better Local Government programme, special consultative processes under are very time consuming and can cost a significant amount of money.

Before the changes to the Act in 2014, local authorities had to use a special consultative procedure for their Annual Plans, as well as their Long Term Plans. This required local authorities to prepare a draft Annual Plan for consultation and then adopt a final Annual Plan after considering submissions. For a small organisation like ours, and an even smaller finance team, that tends to create a cycle of Annual Plan preparation for half the year then Annual Report preparation for the other half, leaving very little time for business improvement and focussing on value add work for the community.

After the changes to the Act, a local authority no longer has to use a special consultative procedure to adopt the Annual Plan, but it still must adopt the plan in a way that gives effect to the principles of consultation in the Act.

It does not need to undertake a special consultative procedure if there are no significant or material differences from the content of the long term plan for the financial year to which the Annual Plan relates. The authority must however prepare a consultation document when proposing significant or material differences from the Long Term Plan, and seek input from the community on preferred options for inclusion in the plan.

Any significant departures from the Long Term Plan can be consulted on in a much more focussed way. This can be done by preparing a concise consultation document rather than a full draft Annual Plan. This would be similar to the Consultation Documents that we now prepare for consultation with the community on the LTP.

Following the changes in the Act, 21 of the 78 local authorities chose not to undertake a special consultative procedure before adopting their 2016/17 Annual Plans. Of the 21 there were six local authorities that chose to engage their community by providing material about the content of their proposed Annual Plans, and sought feedback from public. Ōpōtiki District Council is one of those six.

The Office of the Auditor General following that Annual Plan process commended those local authorities that took advantage of the new provisions in the Act, and used new ways to discuss their plans for the year ahead with their communities.

DISCUSSION AND OPTIONS SECTIONS

This section outlines the key things we must consider when making a decision around whether or not we are required to undertake a special consultative procedure on a proposed Annual Plan.

- Are there significant or material variations or departures from the financials in the LTP
- Are there significant new spending proposals
- Is there a decision to delay or not proceed with a significant project

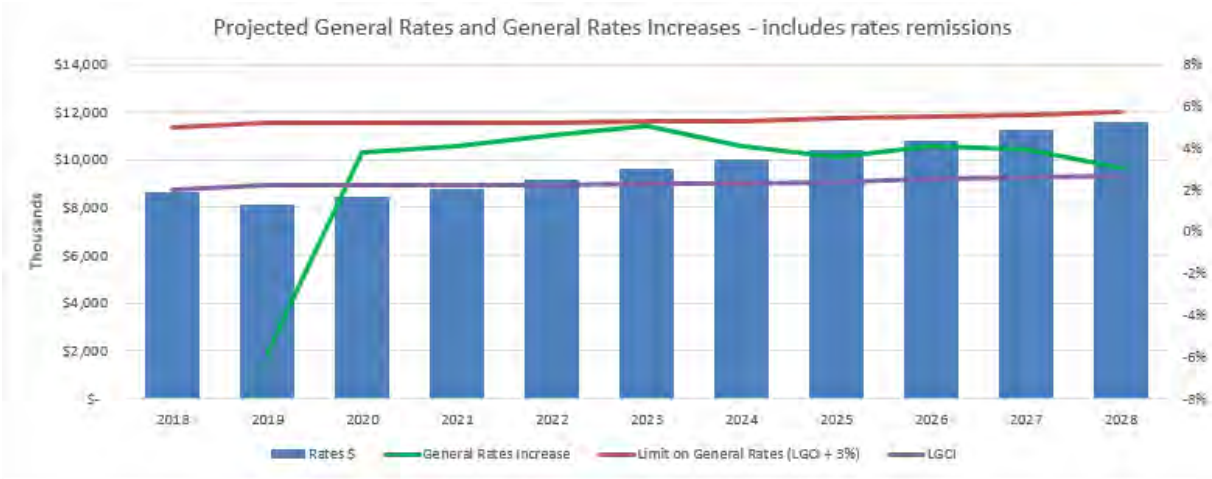
Let us have a look at that in context to what we are proposing for next year in the Annual Plan.

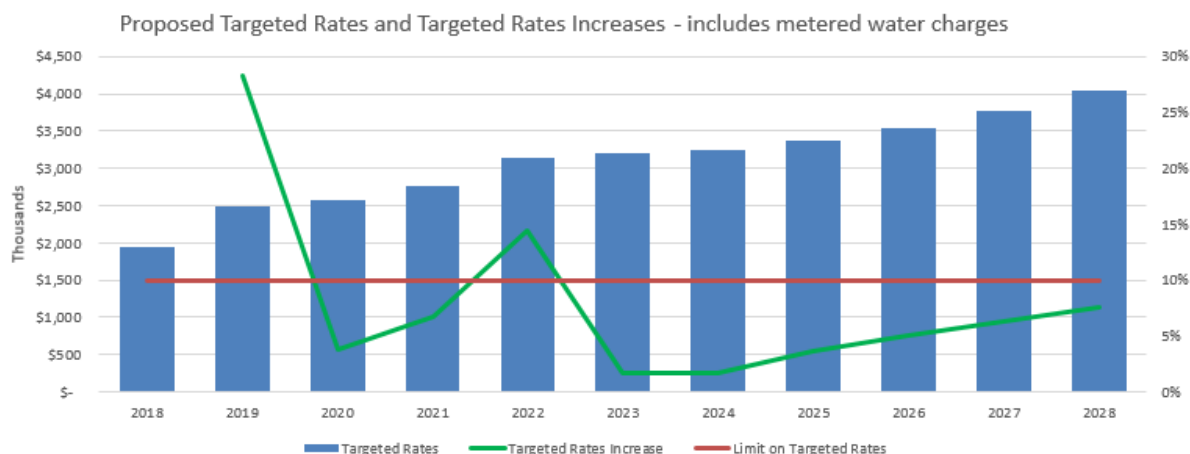
Are there significant or material variations or departures from the financials in the LTP?

	Proposed Annual Plan (000's)	Long Term Plan (000's)
Rates	\$11,527	\$11,839
Proposed increase	4.71%	5.06%

The proposed level of rates that we would be seeking from the community is lower than in the Long Term Plan by \$312k, at a proposed increase of 4.71% as opposed to 5.06%.

The movement across the split of general versus targeted rates is also within the limits set in the Long Term Plan for next year as highlighted below.





There are minor changes across the other revenue and expense categories due to timing of projects and work streams, but these are managed through prudent funding tools to ensure that the rates requirement falls within the limits set in the Long Term Plan.

Some costs for example landfill charge increases are out of our control, so we have had to reduce the funding of other expenditure items where appropriate to keep the rates increase within the confines of the LTP. Council will engage with the community further on future solid waste options and solutions ahead of the next LTP. This area may require substantial change in future years.

Are there significant new spending proposals?

No, all of the projects and proposals put to the councillors are included in the 2018-28 Long Term Plan. There have been some shifts in project timing to ensure the best bang for buck in terms of service delivery, i.e. bringing forward the treatment side of the wastewater renewal project to allow for growth and to fix the issues that we are experiencing at the ponds with the change in waste composition following the reticulation renewal project, which eliminated a lot of our inflow and infiltration. This was an unintended consequence of fixing an upstream issue. However we will fund this work with the savings derived in the reticulation project, which will come in significantly under budget. Altering the timing of projects to coincide when contractors are in the area helps reduce cost by eliminating relocation and set up costs, which get included into tendered contracts when a contractor has to relocate. We will look to streamline this process more to generate greater savings for the community whilst delivering the services required for growth.

Is there a decision to delay or not proceed with a significant project?

No, the harbour development project is still budgeted to happen next year as proposed in the LTP. This project is heavily reliant on funding from Central Government, with only minimal funding required from

ODC in the form of a \$5 million loan, to be repaid in time by the aquaculture revenue. The community is now aware that Government has committed a significant amount of money towards funding this project, what is still uncertain are the details that should come to light over the next few months. We also know that the Council and Community will not be asked to fund any more of the project than was already proposed.

In terms of process Council does not have any options or information that it can consult with the community on in relation to this project. This is a nationwide dilemma created by the Provincial Growth Fund that has impacted many Councils and their respective Long Term Plan and subsequent Annual Plan processes.

Also when considering whether we should undertake a special consultative procedure or not we need to consider what would be the options we would put to the community for feedback on. In this case there are no options in terms of the requirements of a special consultative procedure, that is, we don't have something that we can prepare a number of different scenarios on. Most of this process was considered with foresight through the Long Term Plan consultation process.

A special consultative item must have at least three options to consider, with outlining information on what the impact would be to the ratepayer in terms of financial and levels of service. We don't have anything within this Annual Plan that hasn't already been through a special consultative procedure that meets these criteria.

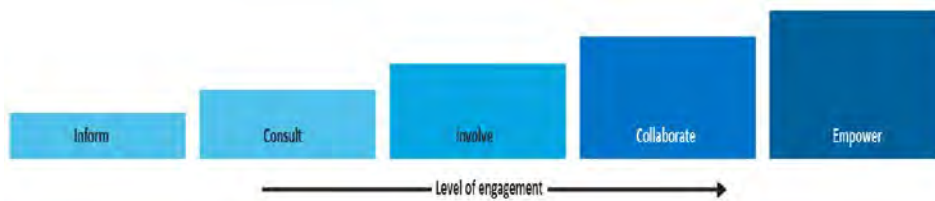
SIGNIFICANCE ASSESSMENT

Assessment of significance

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 for 2020/21 Annual Plan Process is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for 2020/21 Annual Plan Process is considered to be *low*, the engagement required is determined to be at the level of inform according to schedule 2 of the Significance and Engagement Policy.



COMMUNITY INPUT AND PUBLICITY

As we have done previously we will prepare an “Information and Engagement Document” for the public, that outlines what we are proposing for next year, and seek feedback from the public on it before adopting the Annual Plan in June. The timing of this decision around not undertaking a special consultative procedure will enable Council staff to prepare a well thought out document, seek feedback from the community on what is proposed, and depending on this feedback, incorporate some of this into the final Annual Plan.

For the last three years we have been taking feedback from the community on thoughts and ideas all year round, and not limiting it to consultative processes only. This enables staff to include ideas and proposals into Long Term Plans in a more timely and cost effective manner. If the ideas or feedback is simple to implement this can be done utilising existing operational budgets.

CONSIDERATIONS

Financial/budget considerations

Opting to not undertake a special consultative procedure on the Annual Plan will save the Council and community a significant amount of time and money.

Policy and planning implications

This process is consistent with the procedures outlined in the Local Government Act 2002 Amendment Act 2014.

The recommendation to not undertake a special consultative procedure comes at the end of a long process to prepare the Annual Plan. Our Annual Plan budgeting process uses Long Term Plan data as the base to begin from, ensuring that our starting point is always what was originally proposed. This process gives staff and councillors confidence that significant and material variations can only occur through well planned workshops and proposals, which would ultimately result in a consultative process early on in the planning phase.

Risks

There are some elements of our community that still think that a special consultative process is what we should be doing for Annual Plans. We have historically responded to these people inviting them to join Antenno to receive updates, log requests with Council, and also invited them to our year round consultation and feedback pages on our website, letting them know they don't need to wait for a special consultative procedure to share their ideas. This process has worked really well, and we have noted significant increases in people utilising these online processes to engage with us.

If the Council chooses the recommended approach to not undertake a special consultative procedure again on this Annual Plan, it is likely that there will be some negative comments in the community about this process. We will ensure that the Information and Engagement Document provides ample ways for our community to contact us to provide feedback, and points to our websites where we will take items for consideration all year round.

Authority

The decision not to undertake a special consultative procedure rest solely with the Council.

CONCLUSION

Council has a recommendation from staff that a special consultative procedure is not required for this Annual Plan, on the proviso that there is nothing significantly different to what was proposed in the LTP, and that we don't have anything in the Annual Plan that would meet the requirements of special consultative procedure, i.e. we have something new proposed with a number of possible options. This Annual Plan is based upon the budgets set for year three of the Long Term Plan, with minor changes included around timing, cost increases that are out of our control, and decisions around significant capital projects that are out of ours or the community's control.

RECOMMENDATIONS

- 1. That the report titled "2020/21 Annual Plan Process" be received.**
- 2. That the Council resolve to not undertake a formal special consultative procedure for the 2020/21 Annual Plan.**
- 3. That the Council resolve to prepare an "Information and Engagement Document" for the 2020/21 Annual Plan, and seek feedback from the community ahead of adoption.**

Bevan Gray

FINANCE AND CORPORATE SERVICES GROUP MANAGER

REPORT

Date : 30 January 2020
 To : Ordinary Council Meeting, 10 March 2020
 From : Chief Financial Officer, Greg Robertson
 Subject : **QUARTERLY REPORT TO 31 DECEMBER 2019**
 File ID : A189360

EXECUTIVE SUMMARY

The Quarterly Report for the quarter ended 31 December 2019 provides Council with an understanding of progress against Year 2 of the 2018-2028 Long Term Plan (LTP) for the current financial year.

PURPOSE

The purpose of this report is to present the Quarterly Report to 31 December 2019 to Council.

BACKGROUND

This report is for the six months ending 31 December 2019 and is designed to provide Council with an understanding of progress against year 2 of the 2018-2028 LTP.

The report provides a concise but comprehensive overview of the Council’s financial position as at 31 December 2019, and an overview of how Council is tracking against its Non-Financial performance measures and is structured as follows:

Financial Overview 2

Capital expenditure..... 6

Treasury Report 7

Rates Arrears 9

Non-Financial Performance Measures to 31 December 2019..... 11

Financial Overview

1. Financial Overview

This report summarises the key financial highlights for the quarter ended 31 December 2019. Please note that variances stated without brackets are favorable, whereas variances stated with brackets are unfavorable.

1.1 Income Statement

	Actual 2nd Qtr 2019 000's	Actual 2nd Qtr 2020 000's	Budget 2nd Qtr 2020 000's	Variance 2nd Qtr 2020 000's	Budget Full year 2020 000's
Revenue					
Rates	5,492	5,817	5,504	313	11,008
Subsidies and Grants	1,184	1,110	8,876	(7,766)	19,249
Fees and Charges	847	671	665	6	1,256
Interest Revenue	35	3	51	(48)	102
Other Revenue	24	120	129	(9)	257
Total Revenue	7,582	7,721	15,224	(7,503)	31,872
Expenditure					
Other Expenses	3,499	4,022	3,732	(291)	7,501
Depreciation and Amortisation	1,429	1,466	1,439	(27)	2,878
Personnel Costs	2,071	2,139	2,510	371	5,019
Finance Costs	121	117	245	128	489
Total Expenditure	7,120	7,744	7,925	181	15,887
Surplus / (Deficit)	462	(23)	7,300	(7,322)	15,985

1.2 Significant Variances

Revenue

Revenue to date is (\$7.5 million) behind budget. (\$7.4 million) of this is directly related to the delayed Harbour project. Rates income is ahead of budget by \$313,000 as we have given \$144,000 less remissions than budgeted and Penalty charges \$90,000 or new rates collected via growth or change in use \$69,000, are not budgeted for. Interest revenue is under budget as we exhausted all cash reserves rather than borrowing for CAPEX.

Expenditure

Total expenditure to date is \$181,000 lower than budgeted for.

Other expenses are (\$291,000) higher than budget. The main contributors are Solid Waste, with (\$171,000) higher than budget, however we have identified \$132,000 that possibly can be capitalised instead, so overall other expenses should drop to (\$159,000) higher than budget. Three Waters is (\$94,000) higher than budget as they used consultants to do the work of the unfilled positions.

Personnel costs are \$371,000 under budget, this is primarily due to unfilled positions in Engineering, Finance and Regulation & Safety during the first half of the year, however all entities except Leadership and Solid Waste were under budget.

Finance costs are \$128,000 less than budget, we have borrowed less than expected due to our CAPEX spend being under budget. (See 2. Capital Expenditure).

Depreciation and amortisation expense is slightly higher by (\$27,000).

1.3 Explanation of Key Variances by Activity

Leadership

Councilor/Mayoral remuneration is (\$36,000) above budget, this is due to the recent changes around local government leadership remuneration.

Community Development

No 'Health and Active Communities' grant income has been received this year. This should change in the 3rd and 4th quarter. Despite giving away more than budgeted in Grants and Donations to other organisations, our Materials & Consumables have dropped significantly, resulting in expenditure \$18,000 lower than budget.

Community Facilities

None of the budgeted Grants and subsidies have eventuated yet, resulting in (\$340,000) below budget for revenue. These grants require we do the work and spend the money first, however there has been delays on these projects. An unbudgeted \$40,000 was received towards Freedom camping and associated costs. This income was partially offset with (\$20,000) higher than budgeted expenses for public toilets and the balance will appear by year end. A change in the reporting structure has seen (\$25,000) insurance and (\$20,000) rates charged to council property. Personal costs are tracking \$21,000

below budget.

Economic Development

Delays in the Harbour Development has Grants and Subsidies (\$7.4 million) below budget. The i-SITE raised \$20,000 above its summer events budget, which it spent on wages and costs associated with the events. (\$83,000) was spent on consultant's advice on behalf of the councils of the Eastern Bay of Plenty for regional growth, meanwhile \$30,000 was received from MBIE, and this is a timing difference, eventually all expenditure for regional growth is offset with grants. Otherwise expenditure was tracking along below budget. Personnel costs are \$45,000 below budget with the absence of a dedicated staff member working on the Harbour development.

Regulation and Safety.

Revenue across Regulation and Safety has evened out to end slightly above budget. Unfilled positions sees Personnel costs \$105,000 lower than budget.

Resource Management.

Appeals to District plan changes saw legal costs (\$43,000) higher than budgeted. This is significantly less than would have been the case if we had been forced to continue to the Environment Court.

Solid Waste Management

Expenditure was up right across Solid Waste. As mentioned earlier, we have discovered \$132,000 of expenses which we want to capitalise. Which will bring Solid Waste down from (\$171,000) over budget to (\$39,000) over budget. However there is no CAPEX Budget for the (\$132,000).

Three Waters

Work was finally completed in Te Kaha and we applied for a subsidy of \$147,000 which originally was budgeted for in 2015. Water charges were \$10,000 higher than budget. Unfilled positions has left personnel costs below budget by \$104,000. Expenditure is higher than budget (\$94,000) which was due to paying for consultants to cover the unfilled positions in the team. All positions are now filled.

Land Transport

Roading subsidies are (\$183,000) below budget but this is timing only. The work will happen in the 3rd and 4th quarters. Depreciation is unfavorable (\$40,000). Expenditure overall is \$84,000 under budget but are expected to be met within existing budgets over the remainder of the year.

Support Services

Personnel costs are \$138,000 below budget, there were unfilled positions. Depreciation is (\$58,000) over budget, future budgets will need to consider increased investment in information systems and plant, which have short lives between 3 and 5 years.

1.4 Cash and Cash Investment Balance

	2018-19 Actual to June	2019-20 2 nd Quarter Actual YTD	2019-20* Budget	Variance to Budget
Cash and Short Term Investments	1,663	1,914	3,938	(2,024)
Term Investments	-	-	-	-
Total	1,663	1,914	3,938	(2,024)

*budget is for full year

Cash position as 31st October was actually (\$269,000) as we had exhausted all cash reserves and were in overdraft. In late December we borrowed \$2 million which brought our cash position back into line. With projected capital spend, further borrowing will be required and surplus cash will always be short lived. Delays in Harbour development has impacted our budgeted cash balance, cash required for monthly payments would be significantly higher if we were including Harbour invoices.

1.5 Cash and Cash Investment - Balance Interest and Debt Level

	2018-19 Actual to June	2019-20 2 nd Quarter Actual YTD	2019-20* Budget	Variance to Budget
Finance Costs	236	117	489	362
Term Loans	5,000	7,000	16,681	9,681

* Budget is full year.

Borrowing is much less than anticipated so YTD Finance costs are less than half the YTD budget. Overall borrowing is much lower due to large capital projects being deferred or delayed. Also new borrowing this quarter was only acquired when we had exhausted all cash reserves.

Capital expenditure

2.0 Capital Expenditure

Total capital expenditure completed for the second quarter YTD was \$4.1 million compared to a full year budget of \$31.5 million, which includes budget by Council resolution of \$399,500 (\$80,000 towards Ōpōtiki Water Supply, \$216,500 towards extra Land Transport funding).

Budget Managers have forecasted the remaining two quarters spend of approximately \$4.3 million compared to the \$27.4 million remaining budget for the year.

Delays or deferrals on the following projects represent the majority of (under) budget spend

- Technology and Research Centre (Library) (\$1,451,000)
- Wharf Removal and Rebuild (\$1,256,000)
- Animal Control Building (\$612,000)
- Coastal Reserves Tourism Infrastructure (\$510,000)
- Wastewater Stage 3 (\$3,177,000)
- Harbour Entrance (\$17,081,000).

For full details please refer to appendix 1 'Capex Progress Report YTD'.

Capex Progress Report YTD June 2020	2019/20 AP Total Budget	Council Resolution	2019/20 YTD Actuals	Over/(Under) Budget	Remaining Forecasted* Budget 19/20
Community Development	5,526,360	0	754,192	(4,772,168)	1,278,545
Economic Development	17,192,532	0	361,235	(16,831,297)	2,500
Land Transport	2,375,731	216,500	159,580	(2,432,651)	2,171,000
Solid Waste Management	163,520	0	0	(163,520)	0
Regulation & Safety	20,440	0	4,455	(15,985)	0
Support Service	601,958	0	68,170	(533,788)	68,000
Stormwater	400,775	0	136,301	(264,474)	35,000
Water Supplies	470,987	103,100	1,101,862	527,775	49,000
Wastewater	4,374,495	80,000	1,513,978	(2,937,647)	700,000
TOTALS	31,126,798	399,600	4,099,774	(27,423,753)	4,304,045

*Forecasted 3rd and 4th quarter CAPEX spend as at 31st December 2019

Capex Progress Report YTD June 2020	2019/20 AP Total Budget	Council Resolution	2019/20 YTD Actuals	Over/(Under) Budget	Remaining Forecasted* Budget 19/20
Growth	18,971,400	73,100	594,500	(18,450,000)	135,000
level of Service	4,932,912	125,000	1,451,520	(3,606,392)	2,010,045
Renewals	7,222,486	201,500	2,053,753	(5,567,362)	2,159,000
TOTALS	31,126,798	399,600	4,099,774	(27,423,753)	4,304,045

*Forecasted 3rd and 4th quarter CAPEX spend as at 31st December 2019

Treasury Report

3.0 Treasury Report

3.1 Debt Position

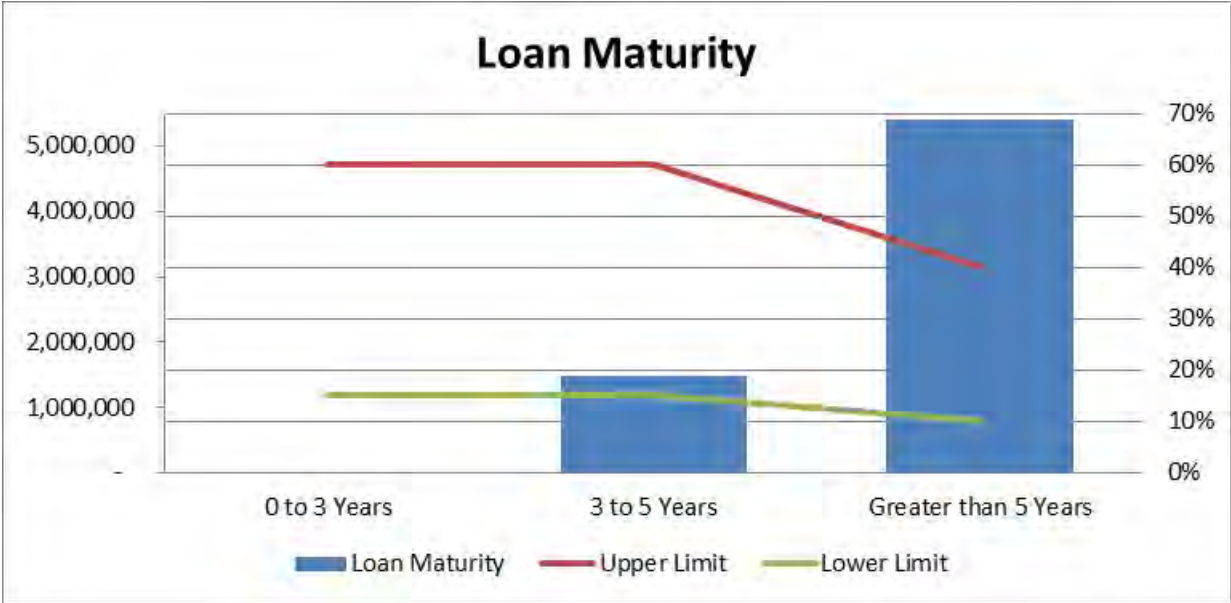
	Actual 2018-19 000s	YTD Actual 2019-20 000s	Budget 2019-20 000s
Secured loans less than 12 months (Current Liabilities)	0	0	1,500
Secured loans greater than 12 months (Non-current Liabilities)	5,000	7,000	23,944
Total Secured Loans	5,000	7,000	25,444

In December 2019, Council borrowed \$2 million with LGFA at 2.19%, out to April 2025. Once total borrowings exceeds \$10 million, council treasury policy (as defined in the Treasury Risk Management Policy, adopted by Council on 30 June 2018) will require total borrowings to meet certain criteria regards floating vs fixed and <3yrs / 3-5yrs / >5yrs. This will take effect in the 4th quarter when we expect to hit \$10 million in borrowings.

3.2 Funding Maturity

The chart below illustrates the funding maturity profile of Councils four loans totaling \$7 million and maturing between 3 and 9 years. All loans are on fixed interest rates between 2.19 and 5.7%.

Council's budget in the Annual Plan (year 2 of the LTP) expects further borrowing this year, although from recent forecasts for the remaining two quarters, we are looking to borrow another \$5 million by 30/6/2020 under the guidance of the Treasury Risk Management Policy.



Compliance with Liability Management Policy

The specific requirements of the Liability Management Policy are detailed below.

Item	Borrowing Limit	Actual Performance
Net interest on external debt as a percentage of total revenue	<10%	1.48%
Net interest on external debt as a percentage of annual rates income	<15%	1.96%
Net cash flows from operating activities divided by interest expense.	>2	12.66

Council is within policy for all of the measures.

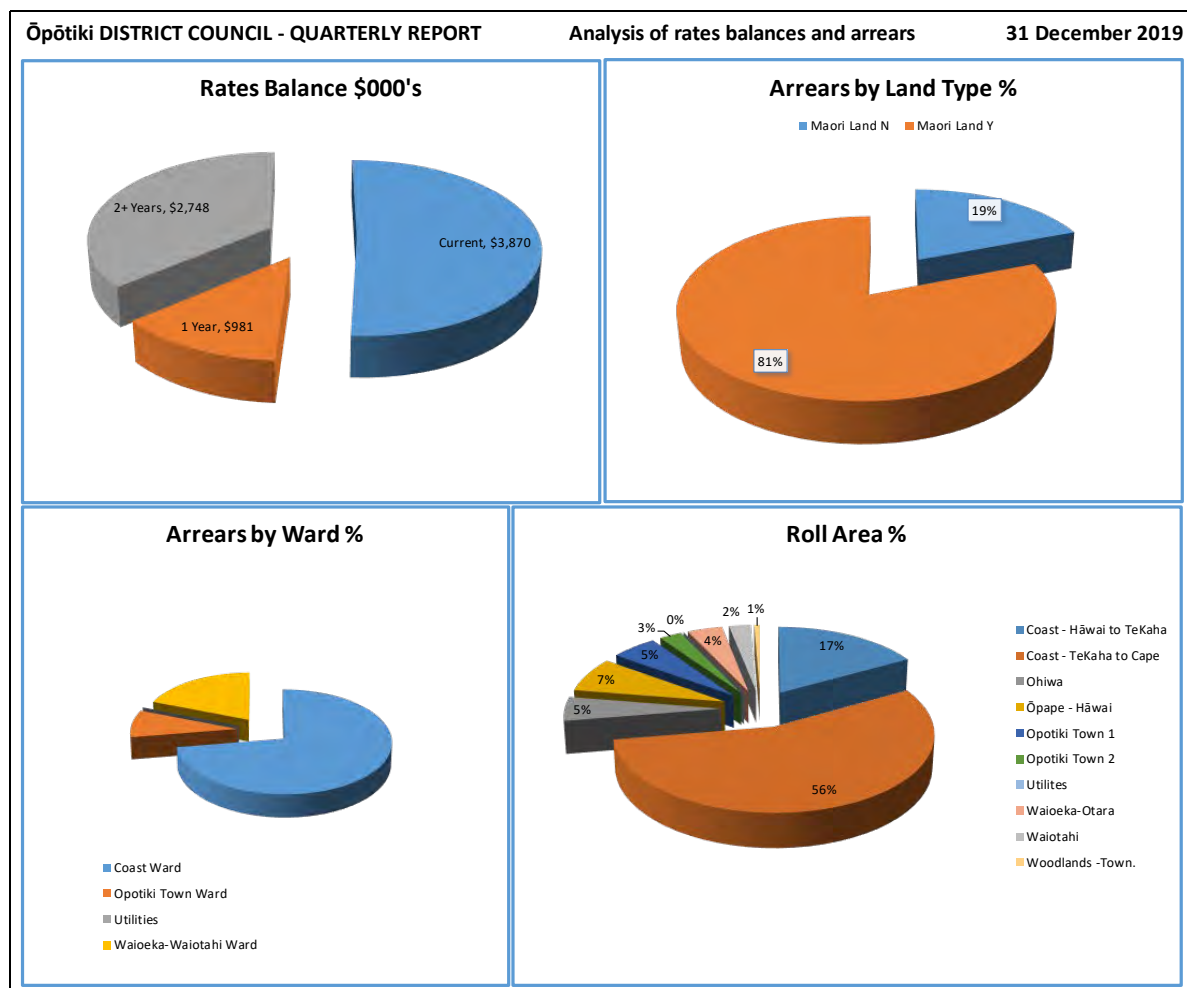
Rates Arrears

4.0 Report on Rates Arrears

81% of arrears, \$3.02 Million relates to Māori land, leaving 19% or \$712,000 on European title.

Māori land is very difficult to chase in comparison to European title, which has more options via debt collection, section 62 mortgagee demands and forced sales of land. There are some avenues still to be investigated regards Māori land, namely occupation orders and land with limited owners or under a trust. Council's appetite to chase rates arrears on Māori land will need to be established.

In November the Finance team started to analyse and consider new ways to tackle the unpaid rates. For a number of reasons, we were not 100% utilising our debt management system which offers a range of tools to chase debts. Significant work has been done to bring unpaid rates into the debt management system. Reporting will be much easier and effective going forward, helping staff better identify who to contact and by what means (phone call, letter, site visit, debt collection or legal).



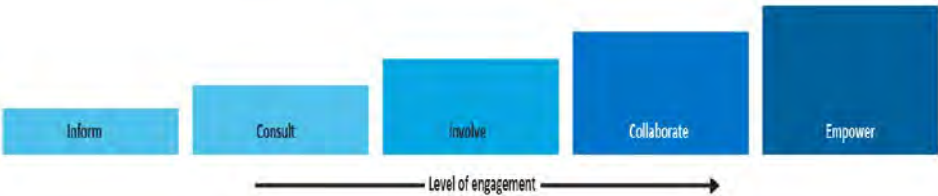
SIGNIFICANCE ASSESSMENT

Assessment of significance

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 for the Quarterly Report to 31 December 2019 is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for the Quarterly Report to 31 December 2019 is considered to be low, the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



RECOMMENDATION:





- 1. That the report titled “Quarterly Report to 31 December 2019” be received.

Greg Robertson

CHIEF FINANCIAL OFFICER




Non-Financial Performance Measures to 31 December 2019




A 'traffic light' system has been used to clearly show at a glance which Key Performance Measures (KPIs) have been achieved (or are on target to be achieved), which are in danger of not being achieved, have not been achieved, and which have not been required to be reported on in this period.





-  Achieved or on target to be achieved
-  In danger of not being achieved
-  Not achieved
-  Not required to be reported on this period




Council reports each year on a total of 87 KPIs. 64 KPIs are required to be reported on this period.





Of that 64, 85.9% (55 KPIs) are recorded as achieved or on target to be achieved, 4.68% (3 KPIs) are recorded as in danger of not being achieved and 7.81% (5 KPIs) are recorded as not achieved.



Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
LEADERSHIP					
Council will provide leadership that is visionary, community focused, efficient and inclusive.					
Community satisfaction with Council leadership	83%	71%	N/A	Not required till 4th quarter.	
Decision making in compliance with the Local Government Act 2002.	No successful challenges to Council decision making process	No successful challenges to Council decision making process	No successful challenges to Council decision making process	On target.	
Level of community satisfaction with the opportunities to participate in decision making.	59%	55%	N/A	Not required till 4th quarter.	





Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
COMMUNITY FACILITIES					
Planned development of quality parks and recreation facilities.					
Complete planning for the development of key recreation reserves.	Development plans not completed.	Development plans complete for Maraetai Bay reserve and Waiōtahe Beach frontage, Orete Point reserves	On track	The Reserves Management Plans are currently out for consultation. Adoption is expected by year end.	
High quality parks and recreation facilities provided and accessible to the community.					
% of community satisfied with the provision of recreation facilities in annual surveys.	70%	80%	N/A	Not required till 4th quarter.	
Playgrounds comply with NZS 5828 (2015).					
% of play equipment compliant with NZS 5828 or relevant standard. N.B The NZS 5828 standard is intended to promote and encourage the provision and use of playgrounds that are well designed, well-constructed, well maintained, innovative and challenging.	84%	70%	N/A	Not required till 4th quarter.	






Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
Public toilets are clean, safe and operational.					
Public toilets are compliant, functional and clean.	Customer requests and complaints not responded to within 4 hours.	Customer requests and complaints responded to within 4 hours.	Customer requests and complaints responded to within 4 hours.	On target. 3 requests and/or complaints received and all responded to within 4 hours.	
Cemeteries maintained to a high standard; accurate records maintained and accessible.					
% of community satisfied with the provision of cemetery services, maintenance and records.	71%	80%	N/A	Not required till 4th quarter.	
Provision of a comprehensive community library service for the community.					
% Percentage of the community satisfied with the library facility and service.	74%	80%	N/A	Not required till 4th quarter.	
Number of library facilitated programmes per year.	16	6	9	Achieved. Pecha Kucha, Arts on Tour and Book Group events held in 6 months to 31 December 2019.	






Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
COMMUNITY DEVELOPMENT					
Provide assistance for community support activities.					
Grants for the maintenance of the 22 district Urupa will be distributed by 31 December each year.	100%	100%	Achieved	All maintenance grants for the 22 Urupa paid out on 8 November 2019.	
Memorandum of understandings and administration agreements for community grants are in place.	100%	100%	100%	All MoU's are reviewed and renewed as part of the LTP process. The next review will be undertaken next year as we start to prepare the 2021-31 Long Term Plan.	
Enhance community Safety.					
Continual expansion to CCTV camera system in town.	100%	1	100%	Resource Recovery Centre's are now covered by CCTV, and we have identified further places to extend the service.	



Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
ECONOMIC DEVELOPMENT					
Development of the Ōpōtiki Harbour entrance.					
BOPRC Funding - Comply with all conditions of Regional Infrastructure Fund Heads of Agreement/Funding Agreement as they fall due or renegotiate deadlines.	Not measurable	100%	Not measurable	Heads of Agreement complied with to extent possible without government funding confirmed.	
Crown Funding - Complete funding agreement with Crown.	Not measurable	Funding agreement signed	Not measurable.	A funding agreement would follow a positive Crown decision to fund.	
Manage the contract for design and construction of the Ōpōtiki Harbour Development Project.	N/A	Construction commenced	Not measurable.	A contract for design and construction of the Ōpōtiki Harbour Development would follow a positive Crown decision to fund.	
Investigate and promote investment in a range of economic development opportunities.					
Implement Economic Development Strategy.	Achieved	100%	0%	Currently not achieved and not expected to be achieved this financial year.	



Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
Investigate and promote investment in a range of economic development opportunities.					
Maintain a current database of business contacts.	Not currently measurable	Database revised quarterly	Not currently measurable	Database not currently maintained by Council as no staff/resources are available. Council is investigating if this measure can be tied in with the Toi EDA EBOP Economic Strategy or if this measure should be removed at the time of the next Long Term Plan adoption and replaced with a more relevant measure that can be monitored and reported on with accuracy.	
Communicate regularly with business sector.	8 bulletins posted	4 bulletins posted	4 bulletins posted	Achieved. Regular communication with business sector undertaken during consultation periods and major project planning e.g. town centre revitalisation, proposed bylaw changes, business breakfasts etc.	




Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
Promote the district as a tourism destination; support tourism operators and events.					
Increase \$ tourism spend.	3% increase in tourism spend	Increase in \$ tourism spend over last year	Achieved	13% increase in tourism spend from \$29 million in 2018 to \$33 million for the year to 31 December 2019.	
Facilitate community events.	5 events	Two events per year	9	Achieved. 9 events facilitated – Matariki, Ōpōtiki clean up week, EBOP Graduation Ceremony and Summer Festival Events.	
Maintain a current database of tourism sector	Database revised quarterly	Database revised quarterly	Database revised quarterly	Achieved. Database revised quarterly plus information updated if received via operators.	
Communicate regularly with tourism contacts	6 bulletins posted	4 bulletins posted	> 4 bulletins posted	Achieved. In regular contact with tourism contacts. Famils organized. Events details and updates emailed (3 x events, 2x famil, 2x general updates).	






Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
REGULATION AND SAFETY					
Council will provide and maintain a quality service to meet statutory requirements and community expectations.					
All liquor licences are processed within 15 working days after the receipt of all reports and information required.	100%	100%	100%	On target.	
As per Food Act 2014, food premises are checked and verified as their registrations become due.	100%	100%	30%	On target to have all verification visits carried out within the prescribed timeframe.	
% of known dogs registered within the District (as recorded on the 1st June)	96%	92%	98%	Achieved. 1527 dogs have been registered so far out of a total of 1571 known dogs registered within the district.	
All animal control complaints of an aggressive or threatening nature are responded to within 2 hours from receipt of complaint.	83%	100%	83%	Not achieved. 18 complaints received. 15 responded to within 2 hours and 3 responded to over 2 hours.	
% of building consents issued within the statutory timeframes.	94%	100%	88%	Not achieved. 74 Building Consents approved. 65 within 20 working days and 9 outside of 20 working days.	



Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
% of customer satisfaction with level of service (as measured by the annual Building Control Authority survey).	N/A	>90%	N/A	Not required till 4th quarter when all responses received will be collated for Annual Report.	
% of roles identified and staffed for 24 hours operation of the Emergency Coordination Centre.	97%	100%	99%	Currently not achieved. The only vacant role is that of Recovery Manager.	
% of staff identified for roles in the Emergency Operations Centre that are trained to an appropriate level agreed by the Group.	54%	100%	88%	Currently not achieved.	
% of resource consents issued within the statutory timeframes.	100%	100%	100%	On target.	
Council actively engages with the wider community to increase the level of awareness preparedness and resilience.					
Minimum number of council delivered initiatives to promote community resilience and safety.	4 initiatives delivered	4 initiatives delivered	2 initiatives delivered	On target.	





Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
SOLID WASTE MANAGEMENT					
The kerbside collection of bagged refuse and recyclables where the service is provided is efficient and effective. (NB: service provided in Ōpōtiki township, Hikutaia/Woodlands)					
Number of service complaints per year regarding the quality of the kerbside refuse / recycling collection service. (Note: service conditions outlined on brochure mailed annually)	42	<20	14	On target. Complaints generally relating to waste not being picked up, placement of bins or damage to bins. Most complaints have ceased since the service went to two day a week which has seen bins consistently collected with none being missed, no damage by contractors, tidy placement and consistency of service. Generally the community has adjusted to the new collection method.	
Provision of effective waste service for the community.					
Customer satisfaction rating of waste transfer stations good or better.	86%	>80%	N/A	Not required till 4th quarter.	



Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
Waste minimisation education reduces household waste and increases good recycling practices.					
Number of public education activities completed.	6	3	On track.	Unfortunately Waste Education NZ no longer have a staff member in the area. 1 school was completed in September and we have done education on recycling with the introduction of our new waste crates. Inquiries will be made as to status of Waste Education NZ.	
Service provided keeps residual waste to minimum quantity.					
Residual waste per year does not exceed 120 kg per person per year.	155 kg / person	<120 kg / person / year	132kg to 31 December 2019	*see below	
<p>*Commentary on performance to 31/12/19: Not achieved. Several waste streams have been added to Council's waste to landfill including timber waste, additional plastic types including 3,4, 6 and 7. Plastic type 1 is the only plastic still being taken for recycling, currently plastics 2 and 5 are being stock piled as they are conducive to recycling but are not being accepted by China or Indonesia. Plastic storage is estimated to last 2 years. Central government has announced 500-600% increase of landfill levies responding to the majority of Councils that are now sending plastic to landfill. It is anticipated these levies will be used to fund a national solution but time frames are as yet unknown. Council officers are looking at long term options to prevent further waste to landfill and avoid levy charges.</p>					







Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
STORMWATER					
The urban stormwater activity is managed to protect people and property from the impacts of flooding.					
The number of flooding events that occur in the District. N.B. The Department of Internal Affairs describes a flooding event as an overflow of stormwater from a territorial authority's stormwater system that enters a habitable floor.	0	0	0	On target. No flooding events recorded in the 1 July 2019 to 31 December 2019 period.	
For each flooding event, the number of habitable floors affected (expressed per 1000 properties connected to Council's stormwater system).	0	0	0	On target. No flooding events recorded in the 1 July 2019 to 31 December 2019 period.	
Service requests and complaints are processed as they come in.					
Median response time to attend a flooding event, from notification to personnel on site.	0	< 4 hrs	0	On target. No flooding events recorded in the 1 July 2019 to 31 December 2019 period.	







Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
Number of complaints received about the performance of the stormwater system per 1000 connections to the Council's stormwater system.	<6/1000 connections	<20/1000 connections	7.1/1000 connections	On target.	
Stormwater water quality will be managed effectively for 365 days of the year.					
Compliance with Council's resource consents for discharge from its stormwater system, measured by the number of:					
a) abatement notices	0	0	0	On target	
b) infringement notices	0	0	0	On target	
c) enforcement orders	0	0	0	On target	
d) convictions	0	0	0	On target	
received by Council in relation to those resource consents.					

Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
DISTRICT PLAN					
Review District Plan in accordance with the RMA.					
Review and update the District Plan subject to appeal.	100%	100%	On target.	Expecting plan to be made operative April/May subject to final consent orders being signed off by Environment Court Judge.	
Council develops appropriate controls for the Ōpōtiki District and monitors and enforces provisions.					
Review and adopt all Council Bylaws over the next 3 years.	33%	33%	33%	On target. Consultation is currently being carried out closing on 28 February 2020.	

Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
WASTEWATER					
A reliable removal and treatment service is provided in areas serviced by Council operated sewerage systems.					
The total number of complaints received by Council about any of the following:					
a) sewerage odour	<1	<5	0	On target. No complaints received.	
b) sewerage system faults	<6	<10	1.89	On target. A total of 3 complaints received about sewerage system faults relating to Council's sewerage system which is <10 per 1000 connections based on a total of 1583 connections.	
c) sewerage system blockages	<4	<5	1.89	On target. A total of 3 complaints received about sewerage system faults relating to Council's sewerage system which is <5 per 1000 connections based on a total of 1583 connections.	
d) Council's response to issues with its sewerage system	<1	<3	0	On target. No complaints received.	
expressed per 1000 connections to Council's sewerage system.					







Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
Median response time to attend to sewerage overflows resulting from a blockage or other fault in the Council's sewerage system. An overflow means sewage that escapes Council's sewerage system and enters the environment and includes blockages and chokes.	6.5 minutes	<4 hours	19 minutes	On target. A total of 3 complaints received relating to an overflow from Council's sewerage system and the median response time to attend the event was 19 minutes.	
Median response time to resolve a sewerage overflow resulting from a blockage or other fault in the Council's sewerage system. An overflow means sewage that escapes Council's sewerage system and enters the environment and includes blockages and chokes.	<1 day	<2 days	Ongoing	Not achieved. Of the 3 complaints received only 1 was able to be resolved via pipe clearing. The other 2 complaints were the result of system overburden, a direct result of wet weather I&I. The issue and Council current programme to rehabilitate the wastewater system was explained to both customers. With the first stage of the rehabilitation nearing completion it is possible that these customers won't lose service again but this won't be known until the final assessment has been completed.	





Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
Sewage is managed without risk to public health.					
Number of sewage overflows into habitable buildings due to faults in the wastewater system.	1	0	0	On target. Of 3 complaints received 2 could have caused an overflow of sewerage into a habitable building. These overflows would not be caused by sewerage mains pressure but by loss of service i.e. the toilet not flushing leading to the toilet potentially overflowing if flushed a second time.	
The number of dry weather overflows from Council's sewerage system expressed per 1000 sewerage connections to that sewerage system.	<2/1000 connections	<2	0.63	On target. 1 dry weather overflows from Council's sewerage system which is <2 per 1000 connections based on a total of 1583 connections.	
The quality of effluent leaving the treatment plant is of a standard required by consents.					
Compliance with Council's resource consents for discharge from its sewerage system, measured by the number of:					
a) abatement notices	0	0	0	On target	
b) infringement notices	0	0	0	On target	
c) enforcement orders	0	0	0	On target	
d) convictions	0	0	0	On target	
received by Council in relation to those resource consents.					




Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance 31/12/19	Tracking
WATER SUPPLY					
Council will provide safe drinking water that is pleasant tasting and looking from Council operated supplies.					
The total number of complaints received by Council about any of the following:					
Drinking water clarity	0	<5	6.04	*See below	
*Comment: Not achieved. 16 complaints were received regarding water clarity amounting to 6 per 1000 connections. This was due to two reason 1: The Otara Rd trunk main replacement and 2: The water treatment plant system failure. Both of these situations required water to be supplied directly from the towns bores. Allowance to supply from the bores was done purposely to provide redundancy for exactly these scenarios. It is not a health concern as Ōpōtiki has secure source bores in accordance with MoH standards. Supplying from the bores does however cause pressure fluctuation in the reticulation which stirs up settled iron and manganese, which in turn causes clarity issues. The clarity issues were caused by extenuating circumstances that are not a regular occurrence.					
Drinking water taste	0	<5	0	On target.	
Drinking water odour	0	<5	0	On target.	
Drinking water pressure or flow	<2/1000 connections	<5	1.13	On target. 3 complaints received amounting to less than 5 per 1000 connections. Most pressure issues were related to old or blocked toby's that needed to be replaced.	
Continuity of supply	0	<5	2.64	On target. 7 complaints received amounting to less than 5 per 1000 connections. Most due to Chorus contractors striking water supply main while installing high speed fibre.	
Council's response to any of these issues	<1/1000 connections	<3	0	On target.	
expressed per 1000 connections to Council's networked reticulation system.					







Key Performance Indicator




The extent to which Council's drinking water supply complies with:
 Part 4 of the drinking water standards (bacteria compliance criteria); and
 Part 5 of the drinking water standards (protozoal compliance criteria).





Location	Criteria	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Status
Ōpōtiki	Bacterial	100%	100%	100%	Achieved. All plants and zones achieved bacterial compliance.	
Ōpōtiki	Protozoal	100%	100%	100%	Achieved	
Te Kaha	Bacterial	100%	100%	100%	Achieved. All plants and zones achieved bacterial compliance.	
Te Kaha	Protozoal	Non-compliant	100%	Not achieved.	Te Kaha non-compliant. Capital upgrades still under investigation alongside ongoing planning considerations surrounding water source.	
Ōhiwa	Bacterial	100%	100%	100%	Achieved. All plants and zones achieved bacterial compliance.	
Ōhiwa	Protozoal	Non-compliant	100%	100%	Achieved	

Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
Failures and service requests are responded to promptly.					
Fault response times:					
a) Median response time to attend urgent call-outs	<1 hour	<4 hours	18 minutes	On target. 14 urgent requests received and the median response time to attend urgent call-outs is 18 minutes.	
Fault response times: b) Median response time to resolve urgent call-outs	<3 hours	<1 day	2 hours and 56 minutes	On target. 13 urgent requests received and the median response time to resolve urgent call-outs is 2 hours and 56 minutes.	
Fault response times: c) Median response time to attend non-urgent call-outs	<1 hour	<1 day	15 minutes	On target. 96 non-urgent requests received and the median response time to attend non-urgent call-outs was 15 minutes.	
Fault response times: d) Median response time to resolve non-urgent call-outs	1 day, 1 hour and 12 minutes	<4 days	4 hours and 23 minutes	On target. 96 non-urgent requests received and the median response time to resolve non-urgent call-outs is 4 hours and 23 minutes.	

Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
Water resources are used efficiently and sustainably.					
Average consumption of drinking water per day per resident.	Ōpōtiki - 194L Te Kaha - 233L Ohiwa - 159L	<400L	N/A	Waiting on final quarter water meter readings. Assume same as previous quarterly report.	
Percentage of real water loss from networked reticulation system:					
Ōpōtiki	8%	<20%	N/A	Waiting on final quarter water meter readings. Assume same as previous quarterly report.	
Te Kaha	13%	<20%	N/A	Waiting on final quarter water meter readings. Assume same as previous quarterly report.	
Ohiwa	60%	Not targeted	N/A	Waiting on final quarter water meter readings. Assume same as previous quarterly report.	Not targeted

Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
LAND TRANSPORT					
The surface of the roading network is maintained in good condition and is 'fit for purpose'.					
Percentage of requests relating to roads and footpaths that are responded to within timeframes set in Long Term Plan:					
Urgent requests within 1 day	100%	95%	100%	On target. Of 14 requests received all were responded to with 1 day.	
Non-urgent requests within 4 days	89%	90%	93%	On target. A total of 101 non-urgent requests received. 94 were responded to within 4 days and 7 were responded to over 4 days.	
Percentage of sealed road network resurfaced.	>5%	>5%	On track	Reseals programme due to be completed soon. Only Orete Point Rd to complete.	
Traffic services (street lighting, roadside vegetation, road signs, road markings) are visible and accurate.					
Percentage of road users satisfied that traffic services on the network are accurate and visible.	80%	85%	N/A	Not required till 4 th quarter.	
Road users find the road environment predictable and the road safe to use.					
Percentage of persons who as users rate the safety of the District's roads as good or excellent.	80%	>85%	N/A	Not required till 4 th quarter.	
The average quality of a ride on a sealed local road network, measured by the smooth travel exposure.	97%	N/A	N/A	Measured every other year.	

Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
Change from previous year in number of fatalities and serious injury crashes on Council maintained roads.	-1	Target for reducing the number of serious injuries and fatalities = no increase and a general declining trend	No increase and general declining trend.	On target. 1 serious injury. No increase as yet this year.	
Road Corridor users (pedestrians, joggers, disabled persons etc.) are able to use the road corridors in a safe and convenient manner.					
The number of users who agree the standard of footpaths is good or excellent.	63%	>70%	N/A	Not required till 4th quarter.	
Percentage of footpaths in Ōpōtiki district that fall within the level of service or service standard for the condition of footpaths as set in plans.	100%	70% of qualifying footpath faults scheduled for repair	N/A	Footpaths brought up to minimum standard last year. Footpath upgrade programme to complete ramp improvements and further maintenance and widening begins in next 2 weeks.	

Key Performance Indicator	Performance achieved 2018/19	Performance target 2019/20	Performance to 31/12/19	Commentary on performance to 31/12/19	Tracking
INVESTMENTS					
BOPLASS					
Investigate new joint procurement initiatives for goods and service for BOPLASS councils	>4	Minimum of 4	Not reported as at 31 December 2019	Result to be included at year end in Annual Report.	
Communicate with each shareholding Council through a minimum of one meeting with each Executive Leadership Team.	100%	100%	Not reported as at 31 December 2019	Result to be included at year end in Annual Report.	
Toi-EDA					
Develop and implement a strategy and annual work plan that supports and develops key sectors in the Eastern Bay economy to grow employment and wealth.	100%	80%	Not reported as at 31 December 2019	Result to be included at year end in Annual Report.	
Submissions lodged on all regional and EBOP district plans.	100%	100%	100%	On target.	

REPORT

Date : 20 February 2020

To : Ordinary Council Meeting, 10 March 2020

From : Chief Executive Officer, Aileen Lawrie

Subject : **BOPLASS LTD STATEMENT OF INTENT FOR 2020-2023 AND HALF YEARLY REPORT**

File ID : A192805

EXECUTIVE SUMMARY

The BOPLASS Statement of Corporate Intent sets out the activities and intentions of BOPLASS Ltd for the coming financial year. Comment, if any, is required by 30 April 2020. The Half Yearly Report is provided for information.

PURPOSE OF REPORT

To have Council consider the BOPLASS Statement of Corporate Intent (copy attached) and make comment if Council considers it wishes to. The Half Yearly Report is also attached.

BACKGROUND

BOPLASS Ltd is a Council Controlled Organisation owned in 1/9th shares by the seven Bay of Plenty Councils plus Gisborne and Taupo. The company was designed to investigate, develop and deliver shared services, joint procurement and communications for any combination of, some, or all of the Councils.

Since its inception in 2006, the Chief Executives of the BOPLASS Councils have acted as Directors, advised by a Company Chief Executive, who is in turn supported by advisory groups of staff with various expertise. In the past three years the Directors have benefitted from the move to an independent Chair for the Board.

The independent Chair of the Board also sits on the BOPLASS Operations Committee which is made up of second tier managers from their respective Councils. The Operations Committee continues to be a

very operational activity, with the managers able to give the time required to drive the initiatives both within BOPLASS and within the Councils. Bevan Gray, our Finance and Corporate Services Group Manager, has been an excellent contributor to the Operations Committee, leading some of its streams of work.

The main achievements of BOPLASS have been in joint procurement and a list of projects is attached to the SOI in Appendix B. As a small Council we see significant value in BOPLASS managing procurement processes, gaining savings as a result of bulk procurement and administering contracts. We certainly see savings in financial terms but there is also value in terms of saved staff time in running the processes, and applying expertise in due diligence processes that is not available within our staffing. We also see unquantifiable efficiencies as a result of shared staff that use familiar systems, for example the Communications staff that we have contracted from BOPRC.

All of Government Procurement contracts continue to provide alternative routes for bulk procurement. BOPLASS is recommending that Councils use these in circumstances where it makes sense, but for various reasons we are finding that the one size fits all approach of the AOG means that BOPLASS is still an appropriate vehicle to use.

There are a range of instances of shared services across the BOP Councils that have evolved in a “bottom up” or organic way, outside the formal BOPLASS structures. This is captured through a collaboration portal. Other Councils can find out about new collaborations through this system and then have the potential to join or at least gain some information about how similar challenges have been dealt with.

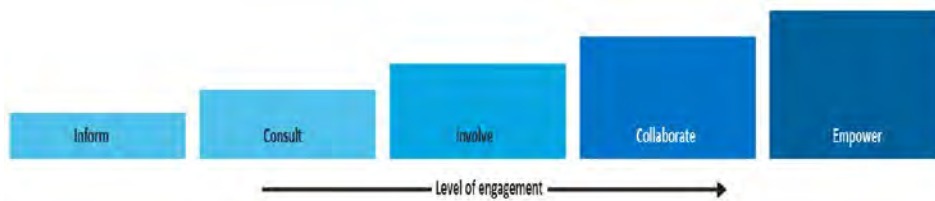
SIGNIFICANCE ASSESSMENT

Assessment of significance

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 for BOPLASS Ltd Statement of Intent for 2020-2023 and Half Yearly Report is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for BOPLASS Ltd Statement of Intent for 2020-2023 and Half Yearly Report is considered to be low, the engagement required is determined to be at the level of inform according to schedule 2 of the Significance and Engagement Policy.



CONCLUSION

BOPLASS has value for its procurement services in terms of its ability to gain savings through bulk purchase, its ability to carry out due diligence on purchases, and to manage ongoing contracts. The value is in direct and indirect savings, efficiencies and better products.

BOPLASS is a vehicle for shared services, but not the only one. Opotiki District Council benefits from shared services or contracting services from a range of entities that are unrelated to BOPLASS.

RECOMMENDATIONS:

- 1. That the report titled "BOPLASS Ltd Statement of Intent for 2020-2023 and Half Yearly Report" be received.**
- 2. That Council considers whether it wishes to comment on the Statement of Intent.**

Aileen Lawrie

CHIEF EXECUTIVE OFFICER

“COUNCILS PARTNERING FOR VALUE AND SERVICE”



20 February 2020

Aileen Lawrie
Chief Executive Officer
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OPOTIKI 3162

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C/- Tauranga City Council
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Tauranga

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Dear Aileen,

The primary document setting out the company's strategic direction is the Statement of Intent which is required to be consulted on and approved by Directors each year. Schedule 8 (9) of the Local Government Act 2002 sets out the content of the document which must cover the next three financial years.

A formal draft document has been approved by the Board for circulation to Shareholders by 1 March 2020. The Directors must consider any comments made by Shareholders and approve a final document by 30 June 2020.

The approved draft is attached and is now circulated for Shareholder comment. The council's Chief Executive is the Shareholder representative and will be responsible for representing the views of the council to the Board in writing prior to 30 April 2020.

We believe that the document realistically deals with the challenges facing the company, identifies ways in which it can contribute value to its constituent councils and reflects an awareness of the challenges facing Local Government.

We look forward to any comments your council wishes to make.

Yours sincerely,

Stephen Boyle
BOPLASS Ltd



BOPLASS Ltd

STATEMENT OF INTENT FOR 2020-2023



June 2020

“COUNCILS PARTNERING FOR VALUE AND SERVICE”

1. Introduction

This Statement of Intent (SOI), developed under Schedule 8 of the Local Government Act 2002:

- Declares a public statement of the activities and intentions of BOPLASS Ltd and the objectives to which those activities will contribute.
- Provides an opportunity for the shareholders to influence the direction of BOPLASS Ltd, and
- Provides a basis for the accountability of the Directors to the Shareholders for the performance of BOPLASS Ltd.
- Covers BOPLASS Ltd and any subsidiary company established in pursuance of the objectives herein.

2. Background

The councils that operate within the Bay of Plenty and Gisborne Regions have formed a Council Controlled Organisation (CCO) to investigate, develop and deliver Joint Procurement and Shared Services projects where delivery is more effective for any combination of some or all of the councils.

Benefits that can be achieved through collaboration are:

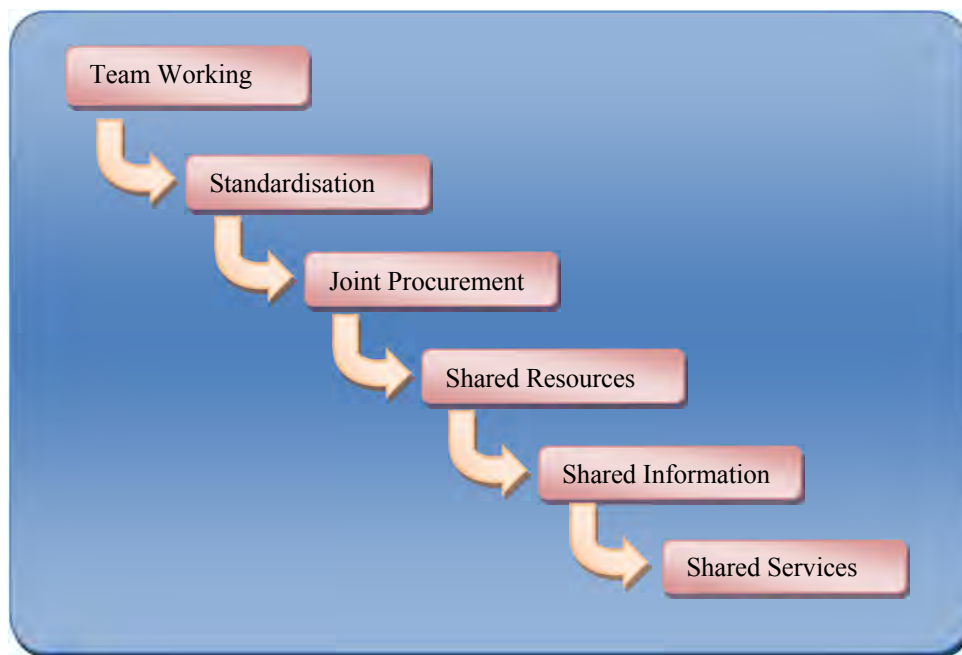
- improved levels and quality of service;
- a co-ordinated and consistent approach to the provision of services;
- reductions in the cost of support and administrative services;
- opportunities to develop new initiatives;
- economies of scale resulting from a single entity representing many councils in procurement.

These benefits and opportunities can apply to all councils irrespective of location or size.

Business processes, information architectures and functional tools differ in each council to varying degrees. The BOPLASS strategies facilitate a journey of progressive development using the approach identified in the BOPLASS Strategy and Action Plan to:

- enhance the capability to collaborate;
- encourage the elimination of barriers to collaborative action; and
- identify services that deliver viable business cases.

A generic sequence or stages of collaboration between multiple councils is followed to develop Shared Services, as shown in Figure 1.



Many of the BOPLASS Joint Procurement projects have supported the development of standard products, services or solutions across the councils. These standards assist in creating a foundation for the delivery of collaboration within the councils.

Examples of procurement and projects are:

- Infrastructure Insurance
- Collective Training
- Aerial Imagery and LiDAR
- Provincial Growth Fund Co-funding for LiDAR Capture
- Standardised Community Engagement App
- Lone Worker Field Solutions
- Robotic Process Automation
- Accounts Payable Automation Software
- Print Media Licencing
- Insurance Valuations
- Contractor Online Inductions
- Health and Safety Management Software
- Radio Telephony (RT) Strategy
- Solid Waste Management
- Insurance Forums
- Health and Safety Inter-Council Audits
- Asbestos Protocols
- Sustainable Public Procurement
- Health and Safety Benchmarking
- Video Conferencing Services
- Council Library and Cloud Services
- Inter-Council Network (ICN) Review, Redesign and Renegotiation
- Debt Collections
- Collaboration Portal
- Capital Construction and Civil Works Projects
- Fortigate Firewall Services
- Wireless WAN
- Inter-LASS Collaboration

3. Our Vision

“COUNCILS PARTNERING FOR VALUE AND SERVICE”

4. Objectives of BOPLASS Ltd

Working together with the full support and involvement of staff, we will provide benefit to councils and their stakeholders through improved levels of service, reduced costs, improved efficiency and/or increased value through innovation.

These will be achieved primarily through:

Joint Procurement

Being the procurement of services or products by two or more councils from an external provider regardless of whether the service is paid for through BOPLASS or individually by participating councils.

Shared Services

Being the participation of two or more councils in the provision of a common service which may be jointly or severally hosted.

5. Nature and Scope of Activities

The principle nature and scope of the activities of BOPLASS Ltd is to:

- Use Joint Procurement to add value to goods and services sourced for its constituent councils.
- Establish the underlying technology, framework, platform and policies to enable and support collaboration.
- Facilitate initiatives that benefit councils and their stakeholders through improved levels of service, reduced costs, improved efficiency, innovation and/or increased value.
- Pursue best practice in the management of all activities to obtain best value and minimise risk.
- Demonstrate fiduciary responsibility by ensuring that its activities are adequately funded from savings achieved, levies, council contributions, or Government funding where available.
- Allow other councils or organisations to participate in its activities where this will benefit its constituent councils directly or indirectly.
- Actively monitor and engage with Shared Service developments across the public sector to identify opportunities for further development and establishing best practice.
- Represent the collective views of its Shareholders in matters with which it is associated.

6. Governance

BOPLASS Ltd will conduct itself in accordance with its Constitution, its annual Statement of Intent, and the provisions of the Companies Act 1993 and the Local Government Act 2002.

The Company is governed by its Directors. To ensure total synergy between the Company's activities and its council shareholders' activities, nine Directors are also the current Chief Executives of their respective shareholding councils. The dual roles recognise the interdependence of BOPLASS and its councils in the undertaking of its activities.

The Board also includes an independent Chair, appointed with specific skills and knowledge to add incremental value. This appointment brings experience and specialist skills that are complementary to those held by the other Directors.

Shareholder	Appointed Director
Bay of Plenty Regional Council	Fiona McTavish
Gisborne District Council	Nedine Thatcher Swann
Kawerau District Council	Russell George
Opotiki District Council	Aileen Lawrie
Rotorua Lakes Council	Geoff Williams
Taupo District Council	Gareth Green
Tauranga City Council	Marty Grenfell
Western Bay of Plenty District Council	Miriam Taris
Whakatane District Council	Stephanie O'Sullivan
Independent Director and Chair	Craig O'Connell

A sub-committee of council delegates has been established by the Directors as an Operations Committee to manage responsibility for regular monitoring and governance of operational aspects of BOPLASS projects, allowing the Board to primarily focus on supporting the strategic development of the organisation.

Each activity or project is managed by an Advisory Group, nominated by the shareholding councils in that particular service. The Board retains the right to approve nominations to the Advisory Groups and all of their material decisions – there is only one Board of Directors and that remains at the umbrella or holding company level.

The Board has established a principle that participation in each initiative is decided by individual councils on an 'opt in' basis.

Services delivered are subject to a formal service level agreement between BOPLASS Ltd and the participating councils, outlining the services and activities provided, where, when and how; and reflecting the capital and operational costs being met by each service shareholder.

Joint Procurement initiatives consistent with their nominated role may be undertaken by any advisory group as approved by the Operations Committee. In considering Joint Procurement initiatives, the Company will take into account the opportunities available through All of Government (AoG) purchasing arrangements and, where there is demonstrated benefit to the Company or its constituent councils, support such initiatives. In assessing the benefits of a Joint Procurement initiative, opportunities for integration shall be considered. The Board has recognised that the availability of All of Government Procurement options has the potential to impact on BOPLASS' ability to provide procurement options in some categories.

Subject to the approval of shareholders in accordance with the shareholder agreement the Directors may decide that a particular activity is best managed as a subsidiary company and proceed accordingly. Any subsidiary company whose objectives are in accordance with the objectives set out in this Statement of Intent shall not be required to have a separate Statement of Intent.

7. Future Developments

BOPLASS Ltd will continue to work on business cases for Joint Procurement and Shared Services that may be provided in the region.

BOPLASS Joint Procurement opportunities will be actively pursued to ensure maximum savings and benefits continue to be delivered to the participating councils through existing and new contracts.

Joint Procurement initiatives will be considered by the Board and/or its advisory groups where there is demonstrated support from two or more member councils, with councils participating on an opt-in basis.

The Board will be looking for commitment from councils to participate in collaborative services and to provide a lead in the identification and management of opportunities and projects.

BOPLASS will also proactively explore opportunities to partner with other local authorities and Shared Services organisations within NZ where they are either developing or considering developing cost effective services or Joint Procurement initiatives involving products or services that are of value to the BOPLASS councils. The Board recognise the significant savings BOPLASS has provided to member councils through joint procurement and has tasked BOPLASS with leading inter-

regional joint procurement initiatives that will provide benefit to all parties through an aggregated approach.

The Collaboration Portal, established by BOPLASS for the sharing of information on Shared Services or Joint Procurement opportunities, has been made available to the wider local government community to provide better visibility of common projects and to encourage further cross-regional collaboration. BOPLASS will continue to market the benefits of inter-region collaboration and assist other councils through providing support and access to the Collaboration Portal.

BOPLASS will continue to explore opportunities for councils to develop ICT solutions using middleware and cloud technologies that allow for future sharing and the development of Shared Services without the wholesale replacement of IT systems.

Where it is practicable, BOPLASS will work with other LASS' or councils in developing Shared Service ICT strategies and/or leverage off, or participate in services established by other collective local government groups.

8. Stakeholder Engagement

BOPLASS recognises the ambitious plans our constituent councils have for their communities and endeavours to support these aspirations through:

- Regular engagement at project, management and governance level;
- Including councils' short, medium and long-term goals within BOPLASS planning;
- Using quality information from councils to guide our decision-making;
- Identifying and developing services that directly benefit councils and/or their communities;
- Monitoring councils' future plans and remaining agile to change to include these aspirations in our own planning;
- Regularly communicating to ensure stakeholders are aware of what we are doing and why we are doing it;
- Involving councils in our decision-making and planning.

9. Performance Targets

To ensure the Company continues to operate effectively in both governance and management terms over the next three years the targets are to:

Target	How	Measure
Ensure supplier agreements are proactively managed to maximise benefits for BOPLASS councils.	Manage and/or renegotiate existing contracts.	Contracts reviewed annually to test for market competitiveness. New suppliers are awarded contracts through a competitive procurement process involving two or more vendors where applicable.
Investigate new Joint Procurement initiatives for goods and services for BOPLASS councils.	Procure from sources offering best value, service, continuity of supply and/or continued opportunities for integration. (Current identified projects are listed in Appendix B.)	A minimum of four new procurement initiatives investigated. Initiatives provide financial savings of greater than 5% and/or improved service levels to the participating councils.
Identify opportunities to collaborate with other LASS in Procurement or Shared Service projects where alliance provides benefits to all parties.	BOPLASS to regularly engage with other LASS to identify and explore opportunities for further inter-regional collaboration.	Quarterly reporting on engagement and a minimum of one new collaborative initiative undertaken annually.
Further develop and extend the Collaboration Portal for access to, and sharing of, project information and opportunities from other councils and the greater Local Government community to increase breadth of BOPLASS collaboration.	Increase usage of the Collaboration Portal by providing support and training material for new and existing users. Proactively market the benefits to councils.	Number of listed projects to increase by 10% per year. Number of active users to increase by 20% per year.
Communicate with each shareholding council at appropriate levels.	Meeting with members of Executive Leadership Team.	At least one meeting per year.
Ensure current funding model is appropriate.	Review BOPLASS expenditure and income and review council contributions and other sources of funding.	Performance against budgets reviewed quarterly. Company remains financially viable.

10. Balance Sheet Ratios

The Local Government Act 2002 Schedule 8 (9) requires the SOI to include the projected ratio of shareholders' funds to total assets within the Forecast Statement of Financial Position. As at 30 June 2018 the consolidated Shareholder funds comprised \$39,757 and the total assets were \$1,192,245. The resulting ratio is 3.3%.

As asset owning Shared Services are approved, the Board will, if appropriate, provide a mechanism for the recognition of each council's contribution.

11. Accounting Policies

11.1 Statement of Accounting Principles

The Company will adopt accounting practices that comply with NZ IFRS, the requirements of the LGA and the Financial Reporting Act 1993.

11.2 IPSAS Accounting Standards

As a Public Sector Public Benefit Entity (PS PBE), the Company has elected to report using International Public Sector Accounting Standards for Public Benefit Entities under Tier 3 PBE standards.

11.3 Measurement Basis

The Company will follow generally accepted international accounting principles for reporting of earnings and financial position.

11.4 Specific Accounting Principles

The following are principles which will have a significant effect on the measurement of financial position:

- Accounts Receivable are stated at their expected realisable value after writing off any known bad debts and providing for doubtful debts.
- Investments are valued at the prevailing market value.
- Fixed assets are recorded at cost, less accumulated depreciation.
- Any liability for overseas funding of equipment, systems or services is based on the prevailing exchange rate as at balance date.
- Where intangible assets are purchased, such as intellectual property, these are capitalised and written off on a straight line basis over their expected life, but no greater than four years.
- All assets are depreciated over their expected useful lives. Depreciation is provided on a diminishing value basis over the estimated useful life, at the same rate as is allowed by the Income Tax Act 1994.

- It is not envisaged that the Company will hold inventories, other than those that might relate to providing information services to a number of parties. They will be valued at net realisable value.
- Taxation will be provided as required in line with relevant legislation.
- In accordance with the Public Audit Act 2001 and the Local Government Act 2002, the office of the Auditor General will be responsible for the audit of the Company's financial statements.

12. Distributions to Shareholders

The Company is not expected to make profits that would ordinarily be distributed by way of dividends. Any surplus funds (after tax) remaining from an activity or the annual operations of the Company shall be carried forward to the ensuing year and may be used to reduce service costs, invest in further developing other services, and/or as the Directors may decide.

13. Information to be Provided to Shareholders

The Company will deliver the following statements to shareholders:

- On a three monthly basis the Financial Position and Cashflow.
- Within two months of the end of the first half of the financial year: Financial Performance and Financial Position.
- Within three months of the end of the financial year the following audited statements: Financial Position, Movements in Equity, Cashflows, Service Performance plus a summary of how the Company has tracked against its objectives and prospects for the next financial year, and a report on the Company's medium to long term plans.
- Six monthly summaries of project activities included in Half Yearly and Annual Reports.

14. Procedures for the Purchase and Acquisition of Shares

The Board will give approval before BOPLASS Ltd subscribes for, purchases or otherwise acquires shares in any company or other organisation, which is external to the group.

15. Activities for Which the Board Seeks Compensation

The ongoing activities to identify, develop, procure Shared Services will be budgeted for in advance, subject to a business case and either funded by individual councils without BOPLASS Ltd involvement, or agreed by the Board to be funded by BOPLASS Ltd with consequent recovery from participating councils.

Shareholding councils will make a contribution to the operational costs of the Company on an annually agreed basis.

The Company will also seek contributions by way of a levy or administration charges on services provided or administered. In determining an appropriate charge, the Directors may take into account the cost of running the Company, its future operational requirements, the nature and cost of the service provided, benefits achieved and councils' ability to pay.

The Company may provide services (at a cost recovery or a cost plus basis) to other non-shareholding councils within or beyond the region. Any surplus from such activity will be used to either reduce service costs and/or invest in further developing of that or other services, as agreed by the Advisory Group and by the Board.

16. Value of Shareholder's Investment

The Directors estimate that, at this stage, BOPLASS Ltd has little or no commercial value. As each shareholder's investment in BOPLASS Ltd is less than \$20,000, the Board believe that fairly represents the value of their investment. The Directors will reassess the value of this shareholding on or about the 1st of March each year.

17. Financial Forecasts

The Forecast Financial Statements for the years 2020-2023 are included (Appendix A). The budget is not adjusted for inflation.

The Aerial Photography revenue/expenses reflects the flying programme determined by the participating councils which includes interim flying programmes and extensive region-wide flying programmes over the next five years.

A continued increase in Recoveries has been forecast to reflect the direct recovery of purchases made on behalf of councils through Joint Procurement projects.

It is the company's intention to always fully recover costs incurred on behalf of participating councils.

Appendix A

SOI Forecast 2020/23	Budget 2019/20	Forecast 2020/21	Forecast 2021/22	Forecast 2022/2023
REVENUE				
Revenue - Core	\$274,510	\$274,510	\$274,510	\$274,510
Bank Interest Received	1,000	1,000	1,000	1,000
Council Contribution	273,510	273,510	273,510	273,510
Revenue - Projects	1,213,000	1,533,000	1,243,000	1,243,000
Aerial Photography Income	300,000	600,000	300,000	300,000
Bank Interest Received	16,500	16,500	16,500	16,500
Collaboration Portal	75,000	75,000	75,000	75,000
Lease Income - ICN	135,000	135,000	135,000	135,000
Lease Income - Video Confer.	30,500	30,500	30,500	30,500
Rebates	6,000	6,000	6,000	6,000
Recoveries	650,000	670,000	680,000	680,000
Total Operating Revenue	1,487,510	1,807,510	1,517,510	1,517,510
EXPENSES				
Expenditure - Core	383,800	383,650	383,650	383,650
ACC	1,500	1,000	1,000	1,000
Accommodation & Travel	1,500	1,500	1,500	1,500
Accounting & Audit	17,500	17,500	17,500	17,500
Administration	14,400	15,300	15,300	15,300
Amortisation	8,000	8,000	8,000	8,000
Bank Fees	400	400	400	400
Catering Expenses	2,000	2,000	2,000	2,000
Conferences	2,000	2,000	2,000	2,000
Depreciation	0	650	650	650
Directors costs	18,000	18,000	18,000	18,000
Fringe Benefit Tax	7,000	7,000	7,000	7,000
Health and Safety	1,000	1,000	1,000	1,000
Insurance	8,500	9,000	9,000	9,000
Interest Paid - TCC Loan	1,000	500	500	500
Legal	2,000	2,000	2,000	2,000
Salaries	285,000	285,000	285,000	285,000
Salaries - C'Portal Opex	-10,000	-12,000	-12,000	-12,000
Staff Support Costs	16,500	16,500	16,500	16,500
Staff Training Costs	2,000	2,000	2,000	2,000
Subscriptions	1,000	1,000	1,000	1,000
Tax Advice	4,500	5,300	5,300	5,300
Expenditure - Projects	1,103,710	1,423,860	1,133,860	1,133,860
Aerial Photography Expense	300,000	600,000	300,000	300,000
Collaboration Portal Opex	26,000	26,150	26,150	26,150
Lease Expense - ICN	129,100	129,100	129,100	129,100
Lease Expense - Video Confer.	28,610	28,610	28,610	28,610
Projects - Recoveries	620,000	640,000	650,000	650,000
Total Operating Expenditure	1,487,510	1,807,510	1,517,510	1,517,510
Operational Surplus/ (Deficit) before Tax	0	0	0	0

Completed Joint Procurement Projects

Requiring ongoing management for performance, renewal or replacement:

- × Collective Geospatial training
- × Aerial Imagery and LiDAR
- × Provincial Growth Fund co-funding for LiDAR Capture
- × Antenno community engagement app
- × Accounts Payable Automation Software
- × Insurance Valuations
- × Contractor online inductions
- × Eastern BOP Electricity
- × Health and Safety Management Software
- × Solid Waste Management
- × Insurance Forums
- × Asbestos protocols
- × Sustainable Public Procurement
- × Health and Safety Benchmarking
- × Council Library and cloud services
- × Inter-Council Network (ICN) review, redesign and renegotiation
- × Debt Collections
- × Collaboration Portal
- × Capital Construction and Civil Works Projects
- × Inter-LASS collaboration
- × Spark Fortigate Firewall Services
- × Evolution Networks Wireless WAN
- × Office supplies
- × Banking
- × Postal services
- × Courier services
- × Fuel
- × Advertising services
- × Travel and accommodation services
- × Air travel
- × Insurance brokerage
- × Aerial imagery
- × N3 / GSB
- × ESRI licences
- × GIS software
- × Health insurance
- × Security services
- × Antivirus software
- × Video conferencing
- × Above ground asset insurance
- × GPS vehicle tracking
- × Archaeological services
- × Telephony – voice, data, mobile
- × Reprographic – printers/copiers
- × Infrastructure insurance
- × Media monitoring services
- × EFTPOS services
- × Historical imagery digitisation
- × On-line services
- × Internal audit services
- × Health and safety training services
- × Risk management workshops
- × Infrastructure insurance – excess layer
- × Collective H&S training
- × EMA membership
- × Environmental insurance
- × Print Media Copyright Services
- × Health and Safety software

Identified Joint Procurement Projects

- × Civil works contracts
- × Civil works materials
- × Infrastructure valuation services
- × High volume print
- × Electronic document management
- × Archives
- × Document storage
- × Document scanning
- × Agenda management software
- × ICT security policies
- × Business continuity
- × IT applications
- × Property valuation services
- × Telephony platform
- × Chemicals
- × Digital signatures
- × Recruitment/candidate management
- × Surveys and research
- × Media distribution services
- × CD emergency notifications
- × Fleet purchasing
- × Push wireless
- × Fleet management
- × Community communication systems
- × Lone worker field solutions
- × LiDAR acquisition – PGF

Collaborative Projects

Managed by BOPLASS or by one or more constituent councils:

- × IT hosting / IaaS
- × Shared datacentre
- × Internal audit services
- × GIS web services
- × Shared licence server
- × Contractor H&S prequalification
- × Radio telephony strategy
- × Collaboration Portal
- × After hours call management
- × Archive service
- × Debt management
- × Health and safety auditing
- × Inter-council network
- × Smart cities
- × Section 17A reviews
- × Video conferencing
- × GIS imagery data storage
- × Waste licencing and data collection
- × Historic aerial imagery
- × Sustainable procurement
- × Diversion of putrescible waste from landfill
- × Civil works projects marketing
- × Robotics processing automation

Projects for Consideration

- × Rates Collection
- × Geospatial services
- × Joint software support
- × Asset Management
- × Web services
- × Payroll
- × Consents Processing
- × CCTV monitoring
- × Information Services
- × HR Information systems
- × Electronic Document and Records Management System
- × Business continuity planning
- × Infrastructure development codes
- × Solid waste regional facilities strategy
- × Building consents
- × Regional Civil Defence
- × Document digitalisation
- × Capital Expenditure projects
- × Project management office



“COUNCILS PARTNERING FOR VALUE AND SERVICE”

21 February 2020

Aileen Lawrie
Chief Executive Officer
Opotiki District Council
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OPOTIKI 3162

BOPLASS Ltd
C/- Tauranga City Council
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Tauranga

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Dear Aileen

The Local Government Act 2002 requires that the Directors deliver to the Shareholders a report within two months of the end of the first six months of the financial year. The report is required to provide information against the objectives set out in the Statement of Intent.

The attached report and accompanying Chair's letter records the objectives of the Company and reports on performance against the performance requirements set out in the Statement of Intent.

The report was approved for presentation to Shareholder Councils by a resolution of the Board on 18 February 2020.

An electronic copy is attached.

Yours faithfully

Stephen Boyle
BOPLASS Ltd



BOPLASS Ltd

HALF YEARLY REPORT TO SHAREHOLDERS



Period ended 31 December 2019

“COUNCILS PARTNERING FOR VALUE AND SERVICE”



BOPLASS Chair's Report

It is with pleasure the Directors present their 2019/2020 Half Yearly Report to Shareholders demonstrating the continuing contribution the company makes to collaboration between councils.

The first six months of this financial year has seen the successful completion of the Provincial Growth Fund (PGF) co-funding application, in conjunction with LINZ, for the capture of LiDAR to provide 3D mapping for the entire Bay of Plenty region over the next five years. The tender received responses priced significantly lower than budgeted and, as a result of the lower pricing, improved specifications for the LiDAR capture can now be used. This initiative provides the opportunity for the BOPLASS councils to benefit by up to \$790,000 through this successful co-funding application.

Following the scoping of specific solid waste opportunities, a project is now underway to develop cross-regional licencing of waste operators and the coordinated collection of waste data. This is being undertaken as a joint BOPLASS and Waikato LASS initiative with the intention to provide the same standards and services across the greater regions.

The BOPLASS debt management collection project is also another good example of inter-council collaboration. BOPLASS engaged with MWLASS to provide their existing service to BOPLASS councils, effectively utilising a professional local government-centric debt management service (Debt Management Central) as an inter-regional shared service.

The Board is very supportive of inter-regional collaboration as it significantly reduces duplication of effort and assists with resourcing. Additionally, through aggregating volumes it often provides improved pricing and savings for all participating councils. With BOPLASS now managing a number of procurement contracts on behalf of other LASS and councils outside the region, importance is placed upon reviewing, renewing or replacing these contracts to ensure appointed vendors remain competitive and continued best value is returned to all participating councils. BOPLASS is currently managing cross-regional tenders for insurance brokerage services, postal services, and courier services covering most of the councils in the central North Island.

The company also has a number of active local procurement opportunities either in the formative stage or about to go to tender. Additional information about current projects is available in the attached report.

We thank staff from the participating councils and acknowledge the continued support we receive from them.

Yours faithfully

Craig O'Connell

Chair



BOPLASS Ltd

"COUNCILS PARTNERING FOR VALUE AND SERVICE"

HALF YEARLY REPORT TO SHAREHOLDERS

18 FEBRUARY 2020

1 INTRODUCTION

The Local Government Act 2002 requires that the Directors deliver to the Shareholders a report within two months of the end of the first six months of the financial year. The report is required to provide information against the objectives set out in the Statement of Intent. The following report records the objectives of the company and reports on performance against a table of specific performance requirements set out in the Statement of Intent.

2 OBJECTIVES OF BOPLASS LTD

The company exists to provide councils in the Bay of Plenty and Gisborne regions with an umbrella vehicle to investigate, procure, develop and deliver shared services.

Working together with the full support and involvement of staff, we will provide benefit to councils and their stakeholders through improved levels of service, reduced costs, improved efficiency and/or increased value through innovation.

These will be achieved primarily through:

JOINT PROCUREMENT

Being the procurement of services or products by two or more councils from an external provider regardless of whether the service is paid for through BOPLASS or individually by participating councils.

SHARED SERVICES

Being the participation of two or more councils in the provision of a common service which may be jointly or severally hosted.

3 GOVERNANCE

In the year to date the governance structure has remained stable with no changes to the Board of Directors or Shareholder Representatives.

4 NATURE AND SCOPE OF ACTIVITIES

The principle nature and scope of the activities of BOPLASS Ltd is to:

- *Use joint procurement to add value to goods and services sourced for its constituent councils.*
- *Facilitate shared services that benefit councils and their stakeholders through improved levels of service, reduced costs, improved efficiency, innovation and/or increased value.*
- *Pursue best practice in the management of all activities to obtain best value and minimise risk.*
- *Demonstrate fiduciary responsibility by ensuring that its activities are adequately funded from savings achieved, levies, council contributions, or Government funding where available.*
- *Allow other councils or organisations to participate in its activities where this will benefit its constituent councils directly or indirectly.*
- *Represent the collective views of its shareholders in matters with which it is associated.*

5 FUTURE DEVELOPMENTS

BOPLASS Ltd will continue to work on business cases for joint procurement and shared services that may be provided in the region or cross-regionally.

The Board has adjusted its strategy to ensure that BOPLASS is focused on continuing to deliver savings and value to councils through new and existing joint procurement initiatives.

Current feasibility studies for joint procurement and shared services cover but are not limited to:

- *GIS;*
- *ICT strategy and services;*
- *Joint software support;*
- *High speed fibre network services;*
- *Digitalisation Services;*
- *Accounts payable processing;*
- *Collaboration Portal;*
- *Archive services;*
- *Health and safety;*
- *Radio-telephony;*
- *IT datacentre/hosting;*
- *Regional waste facilities strategy;*
- *Diversion of putrescible waste from landfill;*
- *Waste collections licensing and data;*
- *Insurance valuations;*
- *Robotic Process Automation.*

Other collaborative opportunities may be progressed after the Board has considered individual business cases and formally agreed to take on and deliver (or host/procure etc.) the project.

Joint procurement opportunities will continue to be identified and developed with individual councils engaging under the opt-in principle established by the Board. Joint procurement initiatives will be considered by the Board and/or its advisory groups where there is demonstrated support from two or more member councils.

The Board supports BOPLASS continuing to develop collaboration opportunities outside of the regional boundaries. BOPLASS will continue to proactively explore opportunities to partner with other Local Authorities and shared services organisations within New Zealand where they are developing, or considering developing, cost effective shared services and products that are of value to the Bay of Plenty and Gisborne councils.

BOPLASS development of the Collaboration Portal for the sharing of information on joint procurement or shared services opportunities within the constituent councils has identified a number of duplicate projects across councils that present an opportunity for further collaboration. The BOPLASS Collaboration Portal is now used by other LASS, councils and local government organisations and provides an opportunity to assist with the identification and management of inter-regional collaboration opportunities. BOPLASS will continue to develop the Collaboration Portal and make it available to the wider local government community.

The BOPLASS Operations Committee will continue to manage responsibility for regular monitoring and governance of operational aspects of BOPLASS projects, allowing the Board to primarily focus on supporting the strategic development of the organisation. The committee members will also be responsible for identifying additional BOPLASS projects that add value to the shareholding councils and advocating these projects within their respective councils.

6 PERFORMANCE TARGETS

To ensure the company continues to operate effectively in both governance and management terms over the next three years the current SOI targets are to:

- Ensure supplier agreements are proactively managed to maximise benefits for BOPLASS councils.
- Investigate new joint procurement initiatives for goods and services for BOPLASS councils.
- Provide support to BOPLASS councils that are managing or investigating shared services projects.
- Further develop and extend the Collaboration Portal for access to, and sharing of, project information and opportunities from other councils and the greater Local Government community to increase breadth of BOPLASS collaboration.
- Communicate with each shareholding council at appropriate levels.
- Ensure current funding model is appropriate.

The Board believes that all targets are being achieved or are on-track to be achieved, as is demonstrated by the following list of current initiatives.

7 CURRENT INITIATIVES

The following initiatives have been under consideration or operating during the first part of the year:

HIGHLIGHTS

- Insurance Risk Loss Modelling – A project has been undertaken to review and update councils' loss modelling and loss limits to ensure appropriate insurance levels are in place for infrastructure, material damage and business interruption cover.
- Accounts Payable Automation – Following presentations from vendors on workflow automation Esker have been selected as the preferred solution for implementation of Accounts Payable automation software.
- ESRI Enterprise Licensing Agreement – BOPLASS has recently renegotiated an Enterprise Agreement for councils' ESRI software (foundation geospatial software) providing significant savings and a common platform for all BOPLASS councils.
- Insurance valuations – A collective project to complete reviews of councils' asset valuation processes is underway to ensure a consistent and accurate valuation methodology is used across all councils. This is essential in securing competitively priced insurance and for maintaining full coverage.
- Print Media Copyright Agency (PMCA) – A collective contract providing savings for all BOPLASS councils has been renewed with PMCA for councils' print and media copyright services.
- Debt Recovery Services – Partnering with MW LASS access has been provided to Debt Management Central to provide specialised local government debt recovery services to BOPLASS councils as a shared service.
- Inter-Council Network review and redesign – Changes to vendors and reconfiguration of services have resulted in a further reduction in costs for the high-speed inter-council network.
- GIS Software and Services – A number of key contracts for councils' geospatial software have been reviewed and renewed through collective BOPLASS agreements.
- Infrastructure Insurance – Councils infrastructure insurance was renewed through the London markets with good outcomes achieved for all councils. While markets remain cautious about the risk they are prepared to write, there is obvious confidence in the information being provided by BOPLASS councils and our historical relationships continue to be a strength for us at renewal time.
- Solid Waste Data and Licencing Project – a project is underway covering BOPLASS and Waikato councils to develop cross-regional licencing of waste operators and coordinated collection of waste data. The project includes engagement with The Ministry for the Environment and WasteMINZ to ensure that the proposed approach is aligned with national strategies.

- Sustainable Public Procurement – BOPLASS Councils are participating in this project in conjunction with the Sustainable Business Network and Toi Ohomai. Councils and their communities are benefiting through procurement policies and practices being better aligned with national and local objectives of sustainability.
- LiDAR Capture (3D imagery) – Following the successful application for Provincial Growth Fund co-funding BOPLASS has managed a tender process in conjunction with LINZ for the appointment of a provider to undertake the LiDAR capture. Aerial Surveys Limited have been appointed with flying due to start in early 2020.
- Internal Audits - Following a review by BOPLASS councils, the Internal Audit Services agreement has been renewed with KPMG. The collective arrangement provides competitive pricing for these services but also enables the sharing of internal audit information and insights across the group.
- Robotic Process Automation (RPA) – BOPLASS is facilitating a workgroup to investigate opportunities for councils to collaborate in the development of RPA programmes across the region as a shared service.
- Health and Safety Advisory Group – The BOPLASS and Waikato LASS Health and Safety groups have a number of collaborative projects underway sharing Health and Safety policies and procedures across the greater region.
- Collaboration Portal Development and Marketing – The Collaboration Portal continues to support opportunities for collaboration between New Zealand local government organisations. Membership and the number of projects are continuing to grow.
- Civil Defence Emergency Management GIS Group – GIS data and tools are now an integral part of a Civil Defence response and the BOPLASS councils have formed a group to work collaboratively on CDEM initiatives. This work is supported by all councils using the same core GIS systems aligned through BOPLASS contracts.
- Inter-LASS collaboration – A number of procurement projects are underway covering multiple LASS and benefitting from the increased volumes. Collaboration across the regions is driving greater efficiencies within projects under consideration by more than one LASS and allows the projects to be better resourced.
- Communication – BOPLASS continues to regularly engage with our constituent councils, senior management and shareholders to ensure opportunities continue to be developed to the benefit of all stakeholders.
- Viability of Current Funding Model – The sources of BOPLASS funding and the viability of the funding model are regularly reviewed with financial reporting provided to the BOPLASS Board.

8 FINANCIAL REPORTS

8.1 Financial Support and Accounting Services

Accountancy services and support continue to be provided by Tauranga City Council.

8.2 Accounting Policies

The company is compliant with the accounting policies stated in the Statement of Intent.

8.3 Tier 2 PBE Accounting Standards Applied

The financial accounts are prepared with application of Tier 2 accounting standards.

8.4 Financial Reports

Financial Reports for the period to 31 December 2019 are attached.

8.5 Variations

The organisation is operating within budget and has achieved a reasonable revenue stream for the first half of the year.

Included are the service related payments for services accessed by councils.

Aerial photography revenue and expenditure will remain lower than budget this year due to the withholding of the BOPLASS flying programme while the PGF co-funding and tender for services were completed.

Project expenses, and conversely, project recoveries are reporting lower than budget due to the timing of additional projects being undertaken by BOPLASS.

Video conferencing expenditure and recoveries have been delayed while new technology is being deployed.

Savings have been made in core ICN costs and this is reflected in the reduced revenue and expenditure of ICN services.

9 STAFFING, ACCOMMODATION AND SUPPORT

Staff

Staffing levels are unchanged with a part-time administrator continuing to provide additional project support and management of existing activities.

Accommodation and Support

We continue to appreciate the office space provided at Tauranga City Council and the support that is offered for IT and Accounting services. Although there is a monthly fee there is still a contribution in kind.

BOP LASS LTD
STATEMENT OF COMPREHENSIVE INCOME
FOR THE MONTH ENDED 31 DECEMBER 2019

	Actual YTD	Budget YTD	Total Budget	YTD Variance
REVENUE				
Revenue - Core	136,858	137,256	274,510	-398
Bank Interest Received	102	498	1,000	-396
Council Contribution	136,756	136,758	273,510	-2
Sales of Service	0	0	0	0
Revenue - Projects	625,917	852,002	1,213,000	-226,085
Bank Interest Received	3,454	8,250	16,500	-4796
Aerial Photography Income	11,581	180,000	300,000	-168,419
Collaboration Portal	37,910	75,000	75,000	-37,090
Lease Income - ICN	54,526	67,500	135,000	-12,974
Lease Income - Video Confer.	5,218	15,252	30,500	-10,034
Recoveries	506,467	500,000	650,000	6,467
Rebates	6,762	6,000	6,000	762
Total Operating Revenue	762,775	989,258	1,487,510	-226,483
EXPENSES				
Expenditure - Core	151,327	212,252	383,800	-60,925
ACC	752	1,500	1,500	-748
Accommodation & Travel	346	600	1,500	-254
Accounting & Audit	0	17,500	17,500	-17,500
Administration	6,995	7,200	14,400	-205
Amortisation	3,674	4,002	8,000	-328
Bank Fees	132	198	400	-66
Conferences	0	1,000	2,000	-1000
Depreciation	328	0	0	328
Directors Costs	7,949	9,000	18,000	-1,051
Fringe Benefit Tax	1,567	3,500	7,000	-1,933
General & Catering Expenses	824	2,000	2,000	-1,176
Health & Safety	0	1,000	1,000	-1,000
Insurance	8,837	8,500	8,500	337
Interest Paid – TCC Loan	0	1,000	1,000	-1,000
Legal	0	2,000	2,000	-2,000
Salaries	120,576	142,500	285,000	-21,924
Salaries – C'Portal Opex	-10,234	-4,998	-10,000	-5,236
Staff Support Costs	8,784	8,250	16,500	534
Staff Training Costs	0	2,000	2,000	-2,000
Subscriptions	0	1,000	1,000	-1,000
Tax Advice	800	4,500	4,500	-3,700
Write Off reconciliations	0	0	0	0
Expenditure – Projects	567,299	799,158	1,103,710	-231,589
Aerial Photography Expense	11,581	180,000	300,000	-168,420
Collaboration Portal Opex	16,838	26,000	26,000	-9,162
Lease Expense - ICN	53,002	64,548	129,100	-11,546
Lease Expense – Video Confer.	6,098	28,610	28,610	-22,512
Projects - Recoveries	479,781	500,000	620,000	-20,219
Total Operating Expenditure	718,626	1,011,410	1,487,510	-292,784
Operational Surplus / (Deficit) before Tax	44,149	-22,152	0	66,301

**BOP LASS LTD
STATEMENT OF FINANCIAL POSITION
AS OF DECEMBER 2019**

	Actual YTD
Current Assets	
Cheque Account	\$175,799
Trust A/c Aerial Photography	\$453,218
Term Deposit – #1	\$300,000
Term Deposit – #2	\$250,000
Term Deposit – #3	\$250,000
Trade Debtors	\$44,589
Accrued Revenue	\$42,801
Withholding Tax	\$24,281
Prepayments	\$1,849
Total Current Assets	\$1,542,537
Non-current assets	
Intangible - Computer Software	\$79,175
Amortisation	(\$58,607)
Computer Equip at cost	\$3,995
Computer Equip depreciation	(\$2,940)
Office equip at cost	\$0
Office equip depreciation	\$0
Total Non-current assets	\$21,623
TOTAL ASSETS	\$1,564,160
Current Liabilities	
Trade Creditors	\$22,553
Accrued Expenses	\$17,464
GST Collected, Paid, Payments/refunds	\$1,814
Retentions	0
Accrued Salaries and Wages	\$6,928
Accrued Leave Entitlements	\$1,670
PAYE Accruals Payable	\$4,156
Income in Advance	\$1,420,347
TCC Loan	\$0
Total Current Liabilities	\$1,474,932
TOTAL LIABILITIES	\$1,474,932
NET ASSETS	\$89,227
Equity	
Current Year Earnings	\$44,149
Retained Earnings	(\$53,923)
Share capital	\$99,002
TOTAL EQUITY	\$89,227

REPORT

Date : 19 February 2020

To : Ordinary Council Meeting, 10 March 2020

From : Reserves Manager, Garry Page

Subject : **CHURCH ST RESERVE (FORMERLY KNOWN AS ŌPŌTIKI ROSE GARDENS) DEVELOPMENT – PUBLIC TOILETS REPORT**

File ID : A191985

EXECUTIVE SUMMARY

To advise Council on the cost of providing public toilets as part of the Church St Reserve development currently underway and potential funding options available.

PURPOSE

The purpose of this report is to inform Council on the cost of providing public toilets at Church St Reserve and to establish whether the works programme adopted by Council in July 2019, be amended to include the provision of public toilets, subject to the availability of funds.

BACKGROUND

In June 2019 MBIE declined an application from Ōpōtiki District Council for a \$434,811 grant from their Tourism Infrastructure Fund towards the total \$621,159 infrastructure component of the development of Church St Reserve (formerly known as the Ōpōtiki Rose Gardens).

A revised works programme was subsequently adopted by Council in July 2019 to accord with the financial commitments made in the 2019/20 Annual Plan.

The long term programme for development of this reserve is incorporated in the Draft Reserve Management Plan for it. At the September Council meeting officers were asked to provide a report outlining costs of including toilets in the redevelopment of this reserve.

The relocation of the roses to Bridge St Reserve, where they have been in full bloom over the summer months, has now been completed.

The contractor has recently commencement work to clear the site and construct new surfaced pathways and installation of utility. The Installation of new play equipment, upgrading and resitting of the existing play equipment is underway. Further funding options are been investigated with the intention of finishing the playground completely as set out in the approved design (which does not include the splash pad).

DISCUSSION AND OPTIONS SECTIONS

The original work plan that had been developed subject to external funding being sourced was revised with savings being made by putting on hold or reducing the works required to complete the development in its entirety. The provision of toilets was one of the components deferred in the revised works programme that was adopted by Council. In the Councillors' discussion that ensued, there was an opinion that toilets should be built from the onset, and the funds for that be borrowed if necessary. It was moved for a report to come back to Council regarding the costs of providing these toilets as originally planned.

The cost of providing a two cubicle, double pan, and unisex, robust and aesthetically acceptable toilet facility as planned in the original design is **\$130,000**. (Refer appendix 1 below). These are the same design as the public toilets at Maraetai Bay Reserve, Te Kaha that have stood the test of time and abuse in an extremely tough and extreme environment.

There are several funding options Council can adopt if there is support for providing this toilet facility.

Option 1

- The status quo option where the provision of these toilets be deferred until funding has been identified through the Long Term Plan.

Option 2

- Council agree to the inclusion of these toilets now at an additional cost of \$130,000 above the original \$255,000 allocated for the upgrade works. That the additional funding of \$130,000 be loan funded.

Option 3

- Council re-apply to either the Provincial Growth Fund or Tourism Infrastructure Fund for full costs associated with the installation of the toilets.

SIGNIFICANCE ASSESSMENT

Assessment of significance

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 in the Church Street Reserve (Formerly Known as Ōpōtiki Rose Gardens) Development – Public Toilets Report is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for Church Street Reserve (Formerly Known as Ōpōtiki Rose Gardens) Development – Public Toilets Report is considered to be low, the level of engagement required is determined to be at the level of Inform according to Schedule 2 of the Significance and Engagement Policy.



Financial/budget considerations

The Long Term Plan and the 2019/2020 Annual Plan has made allowance for a Council contribution of \$255,000 towards this project which is already fully committed to implementing the revised work programme previously adopted by council.

To date no external funding has been budgeted for provision of these toilet facilities. Either option 2 or 3 could be actioned without any added effect on Council’s adopted LTP given that the budget adopted for Coastal Reserves Tourism Infrastructure is not going to be spent

Should Council support the provision of toilets as part of the development project they will also need to consider the ongoing funding implications of doing so. The ongoing operational costs to clean and service these toilets will amount to \$8,000 p.a. that will need to be covered from Councils operational budgets.

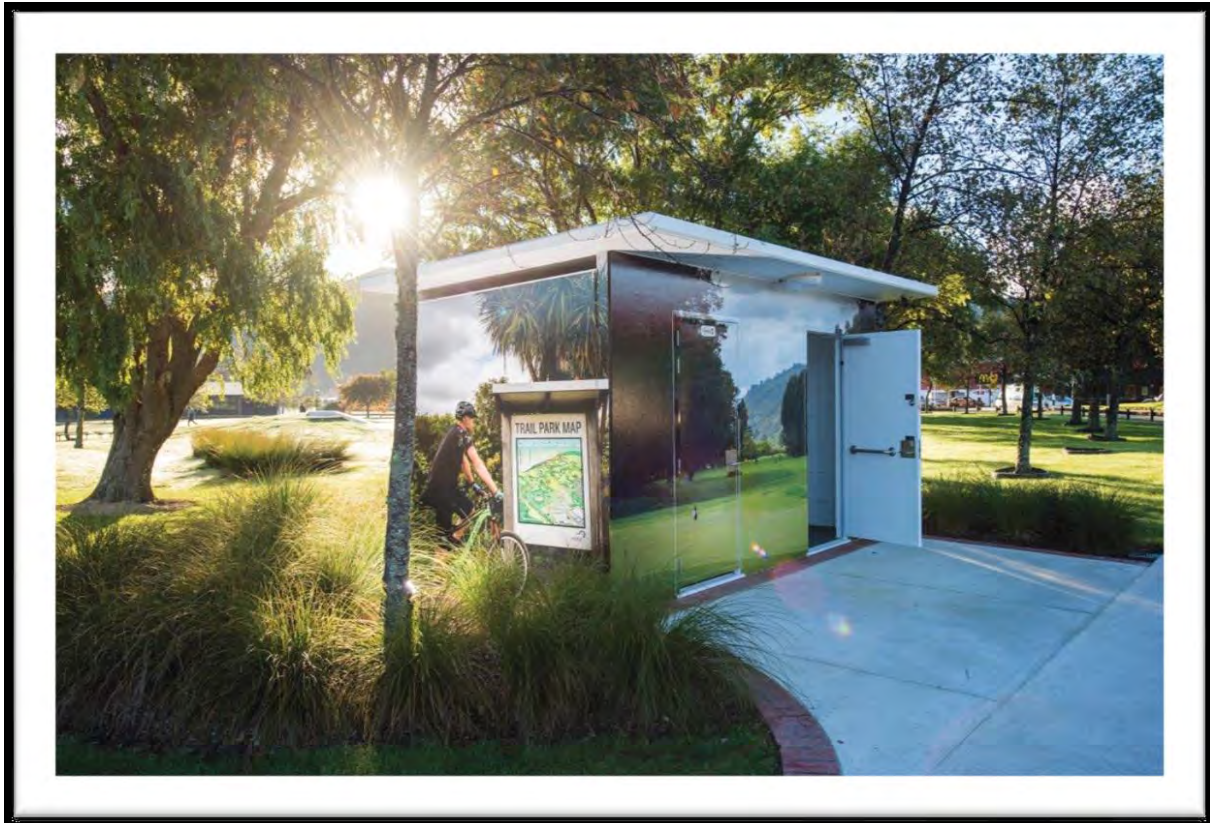
RECOMMENDATIONS:

1. That the report titled "Church St Reserve (formerly known as Ōpōtiki Rose Gardens) Development – Public Toilets" report be received.
2. That Council approve the changes to the work programme that was presented on 11 July 2019 to include an additional \$130,000 for the provision of public toilets with a decision to be made as to where the funding is to be sourced.

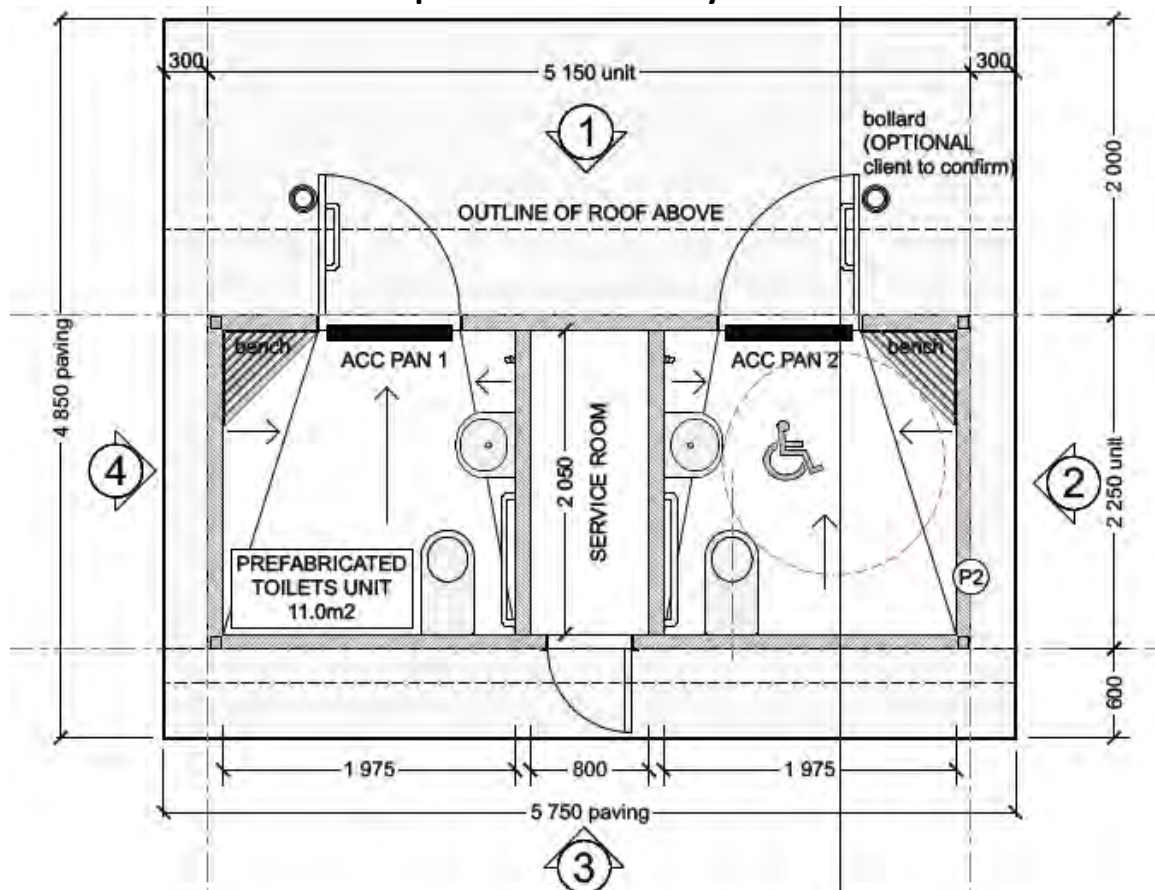
Garry Page

RESERVES MANAGER

Appendix 1



Standard 2 Pan Plan example with service bay



STANDARD SPECIFICATIONS

- Turn-Key public toilets anywhere in New Zealand
- Prefabricated, fast, robust, custom designed
- Constructed from 40mpa Reinforced Precast Concrete
- Tiled Interior Walls Gloss White tiles with epoxy grout
- Tiled Interior Floor Charcoal Anti-Skid Tiles with epoxy grout
- Heavy Duty, Solid Core, Aluminium Doors (colour TBC)
- Manual Locking, emergency release privacy lock. S/Steel hardware.
- Stainless Steel Security Hand Basins
- Door Counters
- Stainless Steel toilet pans
- Signage
- Auto LED internal lighting door activated,
- External LED security light
- Natural Ventilation
- Exterior Vinyl photo wrap
- Stainless Steel soap dispensers
- Stainless Steel Jumbo Toilet Roll Holder (Model TBC)
- Cleaners tap in each cubicle with anti-tamper handle
- Sloping Floor to Stainless Steel strip drain floor waste.
- Stainless Steel 750mm x 750mm hand rail
- Disabled Access NZS 4121:2001
- Turn-Key



REPORT

Date : 19 February 2020

To : Ordinary Council Meeting, 10 March 2020

From : Community Engagement Officer, Anna-Marei Kurei

Subject : **PROPOSAL FOR NEW ROAD NAME: TE ARA KI MATARAU AND TE ARA KI KAIRURU**

File ID : A191307.

EXECUTIVE SUMMARY

An application has been made to Council to have a Council road named under this policy. This report recommends that the application is approved and the names Te Ara ki Matarau and Te Ara ki Kairuru to be officially named.

PURPOSE

The purpose of this report is to propose two road names for a public road located at the end of Maraenui Pā Road (see Appendix A for the road name application). The application proposes the road to the east to be named Te Ara ki Matarau and the road to the west to be named Te Ara ki Kairuru.

BACKGROUND

The road to be named is located at the end of Maraenui Pā Road a map is attached as Appendix B for showing the area of interest. Houses located off this road have come under Maraenui Pā Road which has caused many postal issues for residents. In addition emergency services in particular have found it difficult to locate property addresses along this road, these issues along with others are highlighted in Appendix C.

DISCUSSION AND OPTIONS SECTIONS

The following options are proposed for Council's consideration:

Option 1 – To leave the road unnamed.

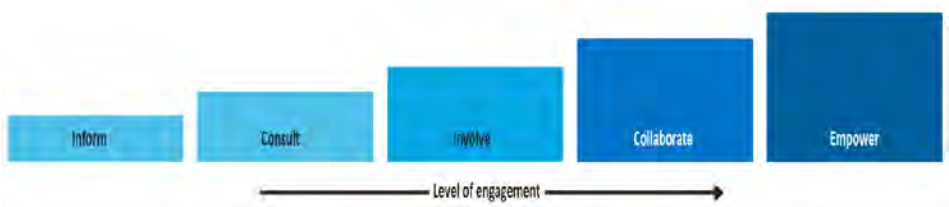
Option 2 – Council to approve the name change put forward and provide signage.

SIGNIFICANCE ASSESSMENT

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 for: Proposal For New Road Name: Te Ara ki Matarau and Te Ara ki Kairuru is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for Proposal For New Road Name: Te Ara ki Matarau and Te Ara ki Kairuru Road is considered to be low the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



COMMUNITY INPUT AND PUBLICITY

The road naming application was completed by Erueti Koopu, Chris Stone and Louis Robson on behalf of Ngāti Horomoana Te Whānau a Hīkarukutai. In accordance with the road naming policy the applicants have consulted and informed affected parties of the proposed name change. The consultation process undertaken are attached in Appendix B.

If the decision is made to name the roads the officer will inform Land Information New Zealand of the road changes and reassign numbers in accordance to the Australian/New Zealand Rural and Urban Addressing Standard (AS/NZS 4819:2011).

CONSIDERATIONS

Financial/budget considerations

The road to be named is owned by the Council and therefore the small cost associated with the signage will be met using the existing engineering group budget.

Risks

There are no major risks associated with the decisions.

Authority

Council has the authority to make the required decision.

CONCLUSION

The applicant has completed the road naming application for the proposal of the Council road to be named Te Ara ki Matarau and Te Ara ki Kairuru. The application and road name is consistent with the Council's Road Naming Policy and the Australian/New Zealand Rural and Urban Addressing Standard (AS/NZS 4819:2011).

RECOMMENDATIONS:

- 1. That the report titled "Proposal For New Road Name: Te Ara Ki Matarau And Te Ara Ki Kairuru" be received.**
- 2. That Council approves the roads to be officially named Te Ara ki Matarau and Te Ara ki Kairuru.**
- 3. That the Council agrees to provide road signage for both names.**

Anna-Marei Kurei

COMMUNITY ENGAGEMENT OFFICER

Appendix A: Application



Application for road name/renaming

Address all correspondence to: Opotiki District Council, PO Box 44, Opotiki 3162 Ph 07 315 3030, Fax 07 315 7050 Or return to Customer Services, 108 St John Street, Opotiki			
APPLICANT DETAILS			
Full name	NGATI HOROWANA TE WHANAU HIKARUKUTA		
Postal address	% P.O. Box 486 OPOTIKI		
Phone	07 3252 678	Mobile	0274 531 678
Email	oosiki@xtra.co.nz		
ROAD DETAILS Attach a map showing the location and boundary of the road to be named.			
Address			
Legal description			
Type of renaming	<input type="checkbox"/> New road created from subdivision <input type="checkbox"/> Road renaming		<input checked="" type="checkbox"/> Existing legal unnamed road\$ <input type="checkbox"/> Private road
PROPOSED ROAD NAMES Provide three names in order of preference, along with an explanation of their background i.e. why they were chosen.			
Name 1	FOR THE ROAD LEADING EAST TOWARDS THE MOTORWAY. TE ARA KI MATARAU		
Name 2			
Name 3	FOR THE ROAD LEADING WEST. TE ARA KI KAIRURU		
ROAD RENAMING State the current road name and your reason for requesting the name change. Attach written consent from at least 85% of affected residents.			
Current road name			
Reason for change			

ROAD NAMING GUIDE	
Type of Roads	Road Names
Relatively short, dead-end roads, cul-de-sacs	Place, Court, Close, Grove, Way, Rise, Courtyard
Loop road to same street	Crescent, Loop, Circle
Long cul-de-sac through road	Road, Street, Drive, Ridge, Terrace
Narrow road, service lane	Lane
Wide spacious road	Avenue, Boulevard, Parade
Streets in commercial area	Arcade, Mall, Plaza, Square, Street, Road
Short road leading to water	Landing

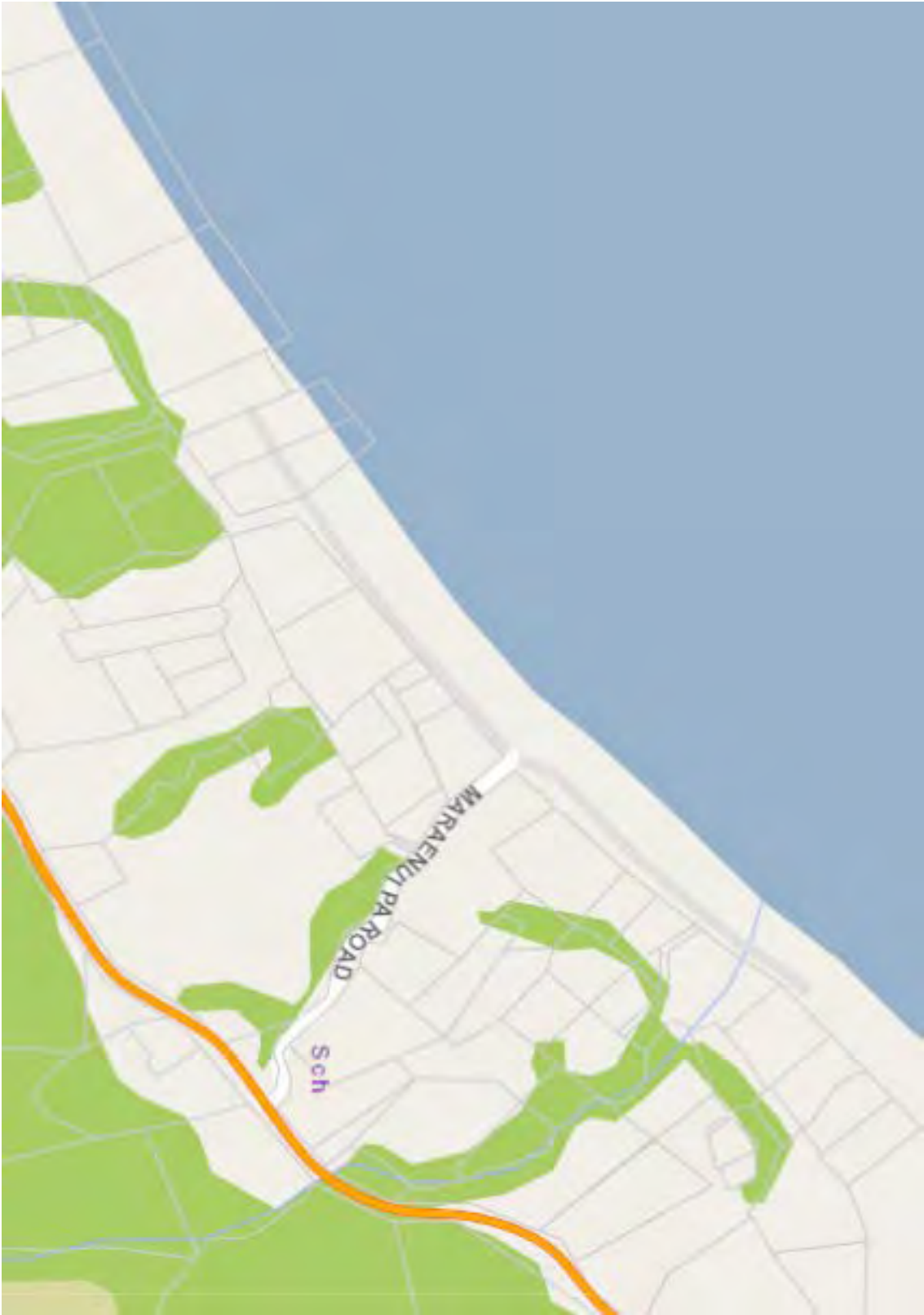
APPLICANT STATEMENT

- I confirm:
- I have arranged a pre-lodgement meeting with council staff to discuss the application process and procedures.
 - I have attached a map showing the location and boundary of the road to be named.
 - I have consulted with the relevant parties (affected property owners, Māori etc.).
 - I have documentation of all consultation (both positive and negative) taken as evidence for my application.
 - The proposed names are not the same as any existing roads in the Ōpōtiki district. *ATTACHED 4 PAGES*
 - The road name and type complies with the criteria set in Ōpōtiki District Council policy and section 4 of the AS/NZS 4819:2011.
 - If the road name is Māori, it is endorsed by the local whanau/hapu/iwi and spelt correctly.
 - If application is for a Māori land block and only one name is being submitted, there is considerable documentation to show that all owners are in support of the proposed name.

n/a

Full name	<i>LEO CHRISTOPHER STONE</i> C.C. <i>NGATO HOROKOANA TE WHANAU HIKARUKO TAI</i>
Signature	<i>[Signature]</i> MEMBER OF APPOINTED SUB-COMMITTEE FOR THIS ISSUE.
Date	<i>04 NOV 2019</i>

Appendix B: Map of area



CHRIS STONE

Page 1/

October 2019

Consultation survey on new Maraenui roads

Presentation from the Hapu subcommittee of Erueti Koopu, Louis Rapihana, Chris Stone.

Background.

In creating a safer and more reliable Fire, Police and Ambulance response service the Opotiki District Council has advised that unnamed roads should be identified so that accurate Rapid Rural Gate response numbers can be allocated.

Currently all Rapid Rural Gate numbers are measured with reference to Maraenui Pa Road. (rapid numbers are assigned to properties through the measurement of the road . The measurement starts at the beginning of the road and ends at the access point to the property. The distance is measured in metres and is then divided by 10)

This method of identifying occupied property gives call centres and response teams a reliable direction and objective for rapid response.

This ability to respond accurately and therefore quickly may save lives and property.

Maraenui Pa Rd is a legal entity from State Highway 35 to its termination at the seal end and junction with unnamed roads leading West and East.

It is proposed that these unnamed legal road entities be named.

The legal road leading West travels to a Pohutukawa tree below Purukamu Koopu's property. Then turns left to immediately below Purukamu Koopu's gate, then turns right to a point at the SE corner of Ted Vellenoweths property. Parts of this road are metalled and graded by ODC , parts are only fundamentally formed and do not get regular grading.

The roadway beyond Ted Vellenoweth's SE corner is a road vested by the Maori Land Court and although able to take the new roadway's name will be treated as a private way. Rapid numbers will be allocated on the private way.

This road currently has two occupied and one unoccupied properties along its length.

In addition there is a private easement road servicing blocks to the east of the junction by the Pohutukawa tree. This road currently has 3 occupied and one unoccupied properties along its length with another building currently being planned. All these properties would be identified off the new named road. The rapid numbers of these properties will need to be displayed at the property access points and clearly visible from the road to avoid confusion by a response team.

To the East of the end of Maraenui Pa Road a legal road extends to the Motu River. This road will require naming and allocation of Rapid Rural Gate Numbers. In addition to the Ma'ae there are five occupied properties on this roadway.

This roadway is only fundamentally formed and is not regularly graded.

Names are required for these two existing legal roadways.

The Hapu subcommittee has discussed these proposed names and recommends the following names ,

1/ For the legal road leading EAST towards the Motu River.....Te Ara Ki Matarau

2/ For the legal road leading WestTe Ara Ki Kairuru

In choosing the use of Te Reo to describe "road" it would be inappropriate to add "road" as a description.

After consultation with property owners ,both occupiers and absentees, an application will be presented, along with a list of preferred names, to ODC for ratification.

After confirmation of name and status Rural Rapid Gate Numbers will be allocated to each property with an occupied , or unoccupied building.

If you are in agreement please sign below with your address or property identification.

If you do not agree you have the option to declare your objection.

If you have been canvassed by email the consultation with you will be recorded as an email contact.

[Signature] Chris Stone 209 Maraenui Pa Rd.

[Signature] Willie Adams 115 Maraenui Pa Rd

[Signature] E & J Vellerson 107 Maraenui Pa Rd.

[Signature] B & J Vellerson 107 Maraenui Pa Road

[Signature] H & S Stain 155 Maraenui Rd.
Maraenui Pa Rd.

[Signature] Riki Chalmers Maraenui Pa Rd.

[Signature] Aspete Kape Maraenui Pa Rd

[Signature] Huriata Poihipi Matarau rd

[Signature] Naere Pouwhare Matarau rd.

[Signature]

[Signature]

Continued page 3/

Robi Meli Maraenui Pa Rd. (~~Waiata Hapu~~)

MICHAEL ASHTON } BY EMAIL PROXY
 FIONA ASHTON } EMAIL 27/10/19

~~LAUNDONNE~~
 LAUNDONNE

ROAD CONSULTATION PAGE 3.

RODNEY STONE - 23814 OCEAN BEACH RD, TAURANGA.

[Signature] - TRUSTEE STONE FAMILY TRUST.

BRAHAM STONE 4529 OCEAN BEACH RD TAURANGA

TRUSTEE STONE FAMILY TRUST

Dini Stainton

[Signature]

Kaulene Koopu KQ Koopu

PIKI KOOPU

[Signature]

Heki Stainton 121 Richard St Opo.

2

Koopu Mawganui

[Signature] 122 Old Farm Rd, Hamilton East
BHK Tapawa Beach.

BY FAX TRANSMISSION

MW Kavia 14 Leam Ave Mt. Wellington Duck Lake

[Signature] ✓ ✓ ✓ ✓

[Signature]

MT. MAWGANUI

[Signature]

christina Erena Koopu

APPLICATION ENDORSED BY A HAPU MEETING ON 19/01/20

SIGNED: Ora Barlow Hapu Chair
[Signature]

ROAD CONSULTATION PAGE 4 .

IN ADDITION TO THOSE THAT SIGNED THE FOLLOWING WERE
APPROACHED AND GAVE THEIR CONSENT VERBALLY .

FRED TOHUPI

MEMBERS OF THE HUREA WHANAU.



REPORT

Date : 14 February 2020
To : Ordinary Council Meeting, 10 March 2020
From : Corporate Services Manager, Muriel Chamberlain
Subject : **PROPERTY, *i*-SITE AND LIBRARY ACTIVITY REPORT**
File ID : A191236

EXECUTIVE SUMMARY

The Property, *i*-SITE and Library Activity Report covers the 12 month period 1 January 2019 to 31 December 2019. The report provides information on the use of Council's facilities, services delivered and revenue across a range of activities.

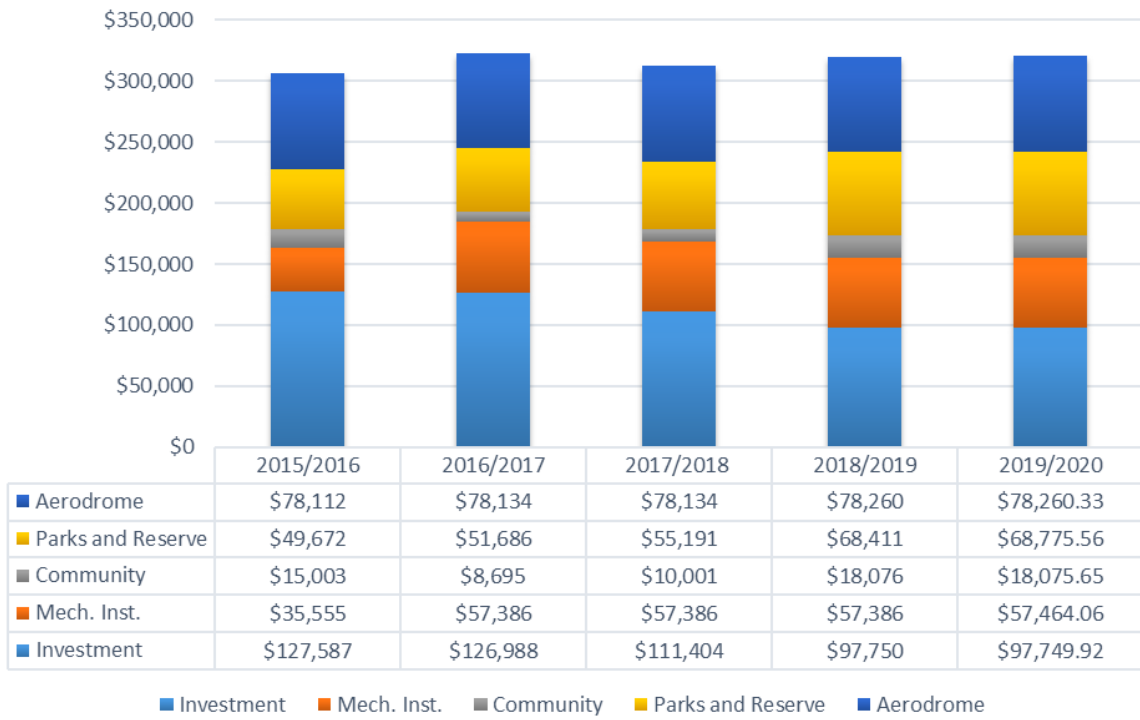
PURPOSE

To provide a 12 month report on the performance and delivery of services by the Property, *i*-SITE and Library activities.

PROPERTY

Annual revenue from fixed Leases, Licences and Rent for Council properties is currently sitting at \$320,326. Revenue is derived from a range of Commercial, Community Facilities and Reserves as summarised in the graph.

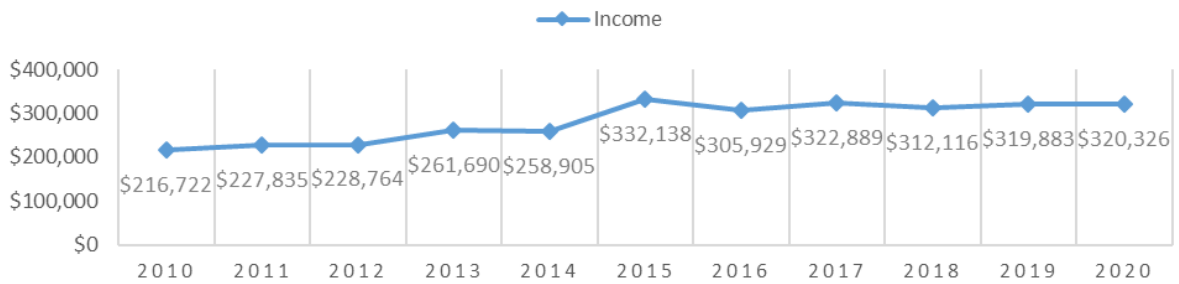
Fixed Annual Revenue from Lease and Rent



There has only been a slight increase in revenue for the 2019/2020 financial year. Some rentals have increased through the year but this has been offset by the cancellation of others.

Annual rates paid by Lessees on Council owned Land is currently \$89,741.

TOTAL ANNUAL REVENUE GST INCL



TOURISM – *i*-SITE

i-SITE VISITOR NUMBERS

The Bellwether people counter was installed at the Ōpōtiki *i*-SITE at the end of 2018. 2019 is the first full year of data we have collected. In coming years we will have comparative data. The Bellwether statistics record in person enquiries to the *i*-SITE Visitor Information Centre and as such are a representative sample of total visitor numbers to Ōpōtiki.

<i>i</i>-SITE Visitor Numbers												
Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Visitors	2,018	1,556	1,456	1,152	1,117	881	993	858	878	1,092	1,220	1,633
Total Visitor numbers for 2019: 14,854												

VISITOR TRENDS

The statistics show that we have a typical trend of a peak summer season (December-March) with the shoulder seasons coloured in yellow (October and November and April and May) with our lower months from June to September. In the busy season we average 55 visitors per day, shoulder season 38 visitors per day and 30 visitors per day over our winter months.

The numbers shown only reflect the number of 'in store' customers. Future reporting will be able to include statistics from our Google Business Listing (listing now acquired under Ōpōtiki *i*-SITE as of 2019), incoming calls, website enquiries and email enquiries.

IBIS

We are currently installing new software in line with *i*-SITE New Zealand standards. The new software will enable us to make bookings with accommodation providers and operators in other areas, track our retail items and draw comparisons with *i*-SITES across the country. The software will make us more user friendly for our customers, enable us to generate more revenue through bookings and provide us with accurate reporting of all retail, accommodation and activity sales.

RETAIL

Ōpōtiki *i*-SITE launched its new retail section in December 2019. *i*-SITE staff were very involved in sourcing locally made and New Zealand products. The goal is to grow our retail section to provide visitors with a unique shopping experience and enhance gift ware shopping options in Ōpōtiki. We have also targeted the local market, giving residents another place to shop locally while supporting

local business. The launch night allowed a platform for some of our local providers from NZ Manuka, Ōpōtiki River Jet, Ōhiwa Black Diamonds (Truffles and tours), KG Kayaks.

EVENTS

The Ōpōtiki *i*-SITE produced and delivered seven community events, supported numerous community events, (including Eastern Bay Agfest and The Little 3) launched the inaugural Matariki Festival, initiated the Keep New Zealand Beautiful – Clean up Ōpōtiki Week, launched our retail section with a special evening, planned and launched the 2019-20 Summer Festival, and secured our first overseas super star to perform at the Lantern Festival in 2020.

In 2019 the *i*-SITE secured funding of \$60,000 to deliver the 2019-20 Summer Festival which started in December 2019. This compares to funding and sponsorship of just over \$45,000 for 2018-2019. Councillor feedback in 2018 was that they would like to see the *i*-SITE deliver more events throughout the year. As a direct response the *i*-SITE planned and delivered the first Matariki festival for Ōpōtiki. Our events keep going from strength to strength. We are in a position to start developing some regional events, however we are limited by our funding and budgets.

It is fantastic to showcase our local talent while also inviting artists that would otherwise not be seen in our district. It is standard practice for individual performance agreements to be followed when booking larger talent. The agreements normally include transport costs, accommodation, meals and 'hospitality riders' which normally include specific foods or drinks for prior, during and post-performance.

- **Opotiki Lantern Festival Jan 2019** –Strong community support continues with attendance of approximately 3,500. Our best show to date with particularly positive feedback. It was a large win for the community being able to secure Stan Walker to headline the show.
- **Ōpōtiki New World Beach Dig Jan 2019** – With around 300 participants (not including spectators) this continues to be a popular day at the beach for families. We introduced a new separate area for toddlers this year.
- **Ōpōtiki O-mazing Race Jan 2019** – One of our favourite events with both locals and visitors. A good turn out and thanks to the ODC staff who volunteered to be check point marshals on the day.

- **TransPower Gourmet Food Market and Movies Under The Stars Jan 2019** – With a one off naming right sponsorship from TransPower we were able to include this event in our Summer Fest. There were issues with reliability of some of the food vendors coming to a new event. A food vendors booking bond has been put in place to minimise this issue for future events.
- **Ōpōtiki Matariki Celebration June 2019** – The inaugural Ōpōtiki Matariki Celebration took place on Saturday 22nd June with a grand fireworks display finale. Ōpōtiki i-SITE staff worked in partnership with E Tu Whānau to involve community and gain maximum community awareness and involvement in this event. It was well supported and gained great feedback from the community. We hope to make this an annual event.
- **Keep NZ Beautiful – Clean up Ōpōtiki** – Ōpōtiki i-SITE staff worked with Ōpōtiki Council Parks & Reserves and RRC staff as well as D.O.C to coordinate a clean-up week in Ōpōtiki. Over 300 participants registered and eight cubic metres of rubbish was collected from around the district.
- **Eastern Bay Ag Fest** – Ōpōtiki i-SITE staff supported the Ag Fest Committee to implement and plan the inaugural event in 2018 and the event in 2019. Support included site planning, sourcing performers and artists, helping to apply for funding, taking registrations for stall holders. Ōpōtiki District Council also contributed \$2,000 to the cost of running the event (made up from the Mayors discretionary fund and council funding).
- **Mayor’s Task Force for Jobs** – Ōpōtiki i-SITE facilitated and delivered the Eastern Bay of Plenty Mayors Task Force For Jobs Graduation Ceremony. Over 100 Graduates from Trades, Services & Hospitality courses around the Eastern Bay were invited to the ceremony held at the Ōpōtiki RSA in November. Hosting of the ceremony is shared between Whakatāne, Kawerau or Ōpōtiki Council.
- **Gourmet Food Market with Aaradhna Dec 2019** – This was the first i-SITE run event of the 2019-2020 summer calendar. The first Gourmet Food Market and Movie night we ran in January 2019 had shown great potential. We decided to split the food market and movie night into separate events (which proved to be a good decision). 15 food vendors were secured from across the north island, five incredible performers and groups, including nationally acclaimed singer and songwriter Aaradhna. 2,000 people attended the event throughout the day. Admission for 12 and under was free, and \$5 admission for 13 and over. The Gourmet Food market has grown quickly from the previous summer and is an event to further develop.

PROMOTION, NETWORKING & ECONOMIC DEVELOPMENT

TV3 The Café – With short notice, the Ōpōtiki *i*-SITE worked with TV3, Highway Motorhomes, Activate Tairāwhiti and local operators to coordinate and pull together an itinerary for travel reporter, Debbie Griffiths. A 10 minute segment on Ōpōtiki and travelling around the East Coast was shown on TV3's 'The Café'.

Field Days – Ōpōtiki *i*-SITE will be at Field Days June 12-15 2020 at a stall promoting the district. We are sharing a site with Mōtū Trails Charitable Trust and will be right next to the Whakatāne District Council site.

***i*-SITES** – We have started working and collaborating more with our neighbouring *i*-SITES; Gisborne, Whakatāne, Kawerau, Tauranga and Rotorua. We have initiated shared training and are looking at staff swap opportunities as a way to learn and increase knowledge.

Eastern Bay Events – Ōpōtiki *i*-SITE initiated talks to set up regular catch ups and collaboration with Whakatāne and Kawerau Council events staff. Topics of discussion include sharing events calendars, working together, shared district events strategies.

EBOP DELEGATION TO CHINA, JIANGXI PROVINCE

The purpose of our trip was to build and establish a friendship agreement with Jiangxi Province and the Eastern Bay of Plenty. The trip was a great success with partnerships established and opportunities still continuing to grow.

A fully funded exchange programme was announced to send Chinese students to the Eastern Bay. It was planned that Ōpōtiki will be welcoming the first intake of 20 students from Jiangxi in January 2020, with a further two intakes of 20 students each to follow in the same year. There are also many more students coming from China to the rest of the Eastern Bay of Plenty next year under the same education agreement.

Education is the stepping stone into tourism. Once we have further established relationships and implemented the education exchanges we can start to grow the tourism opportunities.

EAST COAST FAMIL

In the build up to summer, *i*-SITE staff from Kawerau, Whakatāne, Gisborne and Ōpōtiki travelled around the East Coast. The training trip or 'famil' was co-ordinated and put together by the Ōpōtiki *i*-SITE. The training trip is to familiarise staff with the most current information and experiences to pass

on to our customers. It is also a great way to share information and build connections with our neighbouring *i*-SITES.

The trip highlighted Ōpōtiki and East Coast activities and accommodation. Two trips were organised to allow for staff to get around from all four *i*-SITES while keeping the *i*-SITES open.

The second trip was cancelled due to the Whakaari disaster. Ōpōtiki *i*-SITE staff went to help out at the Whakatāne *i*-SITE while still operating the Ōpōtiki site.

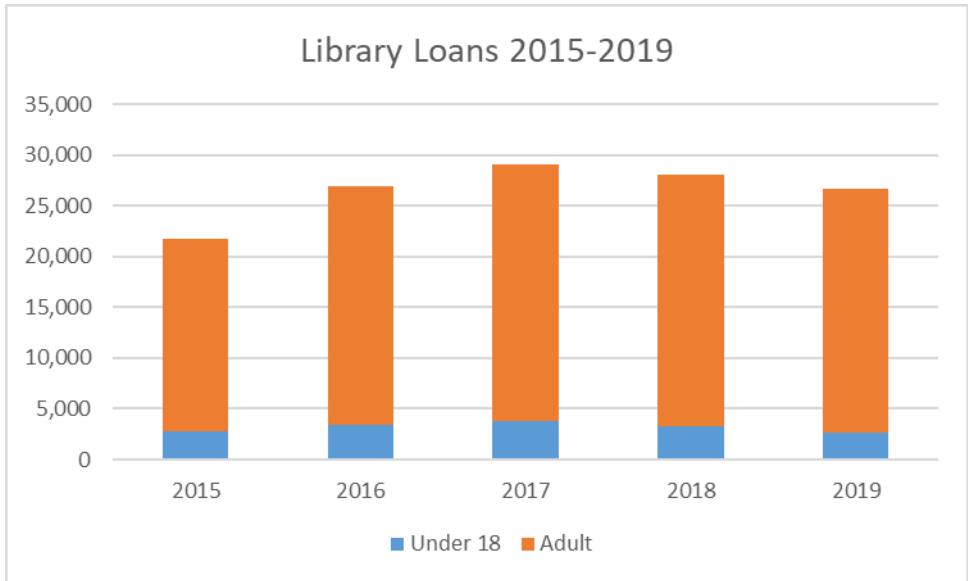
ŌPŌTIKI DISTRICT LIBRARY

HIGHLIGHTS 1 January – 31 December 2019

The reporting period represents a full year in the temporary library premises. Overall, 2019 was a year of adjustments and challenges, opportunities and innovation for library staff and users. A shipping container (fitted with mobile shelving donated by Regional Council) eased the storage issues a little and made for some stimulating interactions with library users as items were located and retrieved on request. The Library community adjusted to the limitations of space and restricted services but there was no shortage of memory for what we had and longing for what is to come in the long-awaited improved facility. As a Pop Up Shop visitor commented: 'Bring it on!'

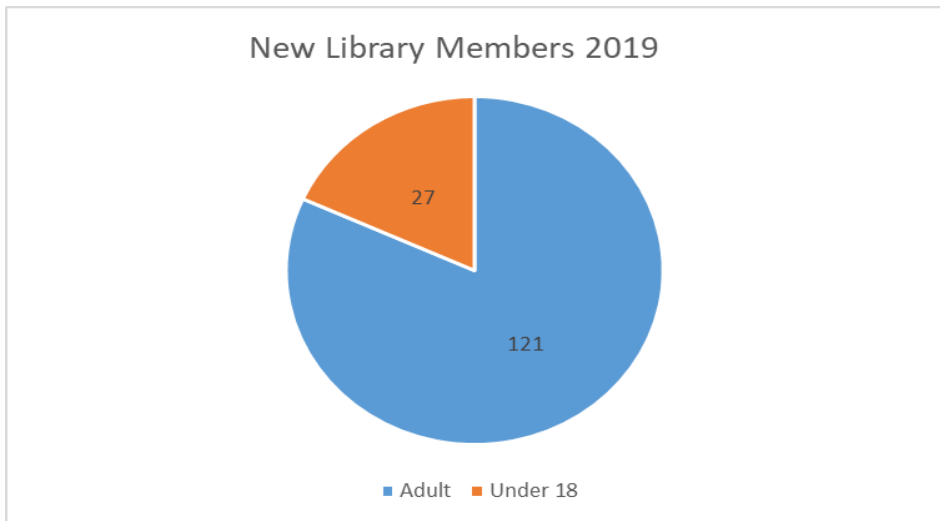
LIBRARY LOANS

The Library's five year overview for 'Library Loans' belies the popular truism 'nobody reads books anymore'. Despite at least 30% of the Ōpōtiki Library's collection being in storage (in two separate locations) and therefore not visible, loans have remained relatively strong. The upward trend in usage is expected to resume with the opening of the Te Tāhuhu facility. Meantime, staff continue to maintain and develop a current, relevant and dynamic collection. Digital loans (eBooks and eAudio, while still small in number, are increasing year on year.



MEMBERSHIP

Total Library use is obviously far greater than membership, however it does remain an interesting marker of activity. Newcomers to town, children getting their first library card, locals who suddenly find themselves with a library borrowing need or time on their hands... New enrolments remained steady throughout the calendar year. Registration is now often commenced online via the Library’s web page.



2019 PROGRESS STATISTICS

People: 61,507 people visited the temporary Library in the 2019 calendar year. Best advice from other library new builds around the country is to expect a 30% increase in numbers when the Te Tāhuhu facility is opened.

APNK: The DIA's Aotearoa Peoples' Network Kaharoa (APNK) long overdue hardware refresh mid-2019 saw a shift to a Google environment. Use of the seven mobile ChromeBooks and three fixed stations has increased user flexibility and a significant lift in skills. Use by children has become much more manageable and the previous chaos caused by rangitahi 'waiting for a turn' has.

APNK wifi sessions: free wifi in and around the Library area continues to be heavily used by a wide range of visitors, workers and residents from all over the district. The Ōpōtiki Library's APNK wifi network is consistent with that supplied and supported by the vast majority of public libraries in New Zealand. As such it is often familiar to travellers moving around the country.

Revenue: The Library banked a total of over \$33,000 in the 2019 year. This includes established Library fees and charges but was significantly boosted by Arts on Tour event income. The AOT fee charged by Creative NZ varies (depending on number of performers) and is charged to the Library's programming budget, offsetting the income.

LIBRARY USE & STATISTICS

Despite space constraints, the Library continued to be a busy, active hub for the Ōpōtiki community and visitors to the area. Events and activities such as PechaKucha and Arts on Tour utilised the Senior Citizens Hall and school holiday programmes continued to be on hold. Meantime, two highly popular evening book groups continued throughout the period and the Youth Librarian introduced a fledgling 'Tween Book Group' to encourage recreational reading in the 10-14 year old age group. This has been well received and will continue in 2020.

'Arts on Tour', is a programme of touring New Zealand performance artists, heavily subsidised by Creative NZ for regional NZ communities. Added to the Library's own PechaKucha evenings the eight 2019 AOT shows were a significant success and became part of the community engagement/education programme. The Senior Citizens Hall became the go-to venue for Library events.

'Stepping Up', is another well-known national initiative that the Library was been able to bring to Ōpōtiki residents in 2019. A number of prepared learning modules covering a wide selection of computing skills is on offer for one-on-one booked sessions with Library staff. The programme has been enthusiastically embraced by the community and has provided a much more streamlined response for staff. Apart from staff time all costs are covered by the 20/20 Trust.

The Library’s Communications Plan covers regular media releases (and the Ōpōtiki News is very helpful in covering our stories), a Facebook page, occasional ‘Dear All’s by email and, later in 2019, a monthly column in the Ōpōtiki News the ‘Library Kōrero’. Maintaining profile in a small community is relatively straightforward but there are still many people who are unaware of the services on offer.

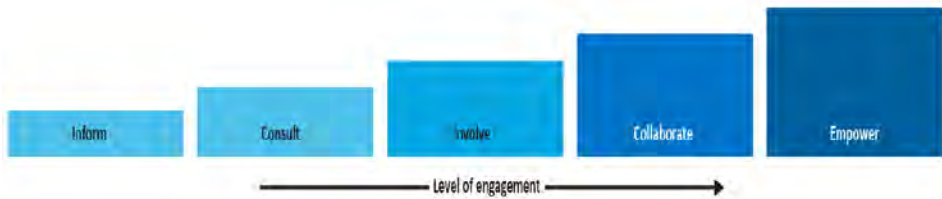
SIGNIFICANCE ASSESSMENT

Assessment of significance

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 for Property, i-SITE and Library Activity Report is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for Property, i-SITE and Library Activity Report is considered to be low the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



RECOMMENDATION:

- 1. That the report titled “Property, i-SITE, and Library Activity Report” be received.

Muriel Chamberlain

CORPORATE SERVICES MANAGER



REPORT

Date : 16 February 2020
To : Ordinary Council Meeting, 10 March 2020
From : Business Innovation and Communications Advisor, Tracey Dale
Subject : **ŌPŌTIKI COMMUNITY HEALTH TRUST NOMINATIONS**
File ID : A189290

EXECUTIVE SUMMARY

The Ōpōtiki Community Health Trust (OCHT) was established in 1996 for charitable purposes in the Ōpōtiki district's health sector.

Ōpōtiki District Council agreed to assist with the selection of a new community trustee on the OCHT committee. A call for nominations was made and nominations received are now presented to Council for its selection of a new Trustee.

PURPOSE

To provide Council with a list of nominations received for the position of Community Trustee for the OCHT and to seek Council's selection of a new Trustee.

BACKGROUND

The OCHT Committee meets in Ōpōtiki four times per year to consider applications for health related funding and scholarships. In this way, Trustees assist Ōpōtiki people and organisations to achieve their health objectives.

Council CEO Aileen Lawrie agreed to a written request from the OCHT for Council to assist in the selection of a new Community Trustee. The agreement to provide this service is subject to ensuring cost recovery for any services provided by Council and is in line with previous decisions by Council to complete the nomination process on behalf of the OCHT and with the OCHT deed.

Council publically notified the call for nominations on Thursday 23 January 2020 through print advertising, its website and social media. The nomination period closed on Friday 14 February 2020. A total of three nominations have been received – attached as Appendix 1 for the following:

- Lyn Riesterer
- Linda Steel
- Courtney Andrews

As per the OCHT deed, Council is now required to vote on the nominee candidates with the preferred candidate being appointed as the new Community Trustee. Council is to appoint a Trustee for a term of three years, with the right to re-appoint Trustees for a further three years.

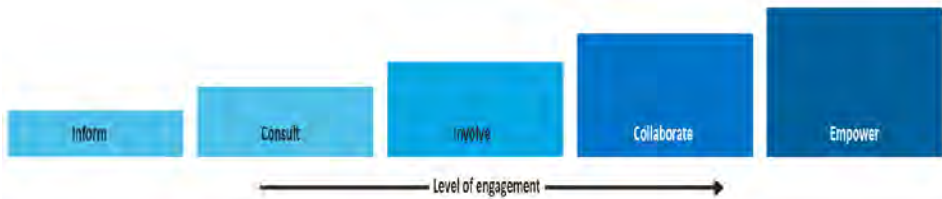
SIGNIFICANCE ASSESSMENT

Assessment of significance

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 for Ōpōtiki Community Health Trust Nominations is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for Ōpōtiki Community Health Trust Nominations is considered to be of low significance the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



Authority

Ōpōtiki District Council has the required authority to select and appoint Community Trustees to the OCHT as per the OCHT deed.

RECOMMENDATIONS:

- 1. That the report titled "Ōpōtiki Community Health Trust Nominations" be received.

2. **That Council consider the nominations put forward and appoint one Community Trustee to the trust board of the Ōpōtiki Community Health Trust.**
3. **That Council advise the Ōpōtiki Community Health Trust Secretary and all nominees of Council's decisions.**

Tracey Dale

BUSINESS INNOVATION AND COMMUNICATIONS ADVISOR

APPENDIX 1

NOMINATION FORM

TO STAND FOR THE POSITION OF TRUSTEE FOR THE OPOTIKI COMMUNITY HEALTH TRUST

Please return the completed form by 4.00pm, Friday 14 February 2020

To:
Tracey McNaughtan
Ōpōtiki District Council
PO Box 44
Ōpōtiki 3162

Or Email to: traceym@odc.govt.nz

Or deliver to: Council's main office at 108 St John Street, Ōpōtiki District Council

I hereby nominate:

Name: Lyn Riesterer

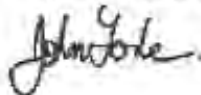
Address: 93 Armstrong Road, RD2, Opotiki 3198

For the position of Trustee for the Ōpōtiki Community Health Trust

Nominated John Forbes

by: Address: 9 Paerata Ridge Road, RD2, Opotiki 3198

Signed:



Signature of Nominee:



Please tell us why you believe the person you have nominated will be a good addition as a Trustee on the Ōpōtiki Community Health Trust Committee:

The position of community representative on the OCHT is one of three community representatives. It is a position that represents wider community interest and as such would be well filled by the Mayor.

The role of Mayor has a high degree of community contact but also contact with Health Board elected members, officials as well as central government representatives and others.

This makes the Mayor an excellent choice for the OCHT.

Thank you for your nomination.

NOMINATION FORM

TO STAND FOR THE POSITION OF TRUSTEE FOR THE OPOTIKI COMMUNITY HEALTH TRUST

Please return the completed form by 4.00pm, Friday 14 February 2020

To:
Tracey McNaughtan
Ōpōtiki District Council
PO Box 44
Ōpōtiki 3162

Or Email to: traceym@odc.govt.nz

Or deliver to: Council's main office at 108 St John Street, Ōpōtiki District Council

I hereby nominate:

Name: Linda Steel

Address: 38 King st, opotiki

For the position of Trustee for the Ōpōtiki Community Health Trust.

Nominated by: Hope Hata

Address: 53 King st, opotiki

Signed: H. Hata

Signature of Nominee: LMS Steel

Please tell us why you believe the person you have nominated will be a good addition as a Trustee on the Ōpōtiki Community Health Trust Committee: Linda's contribution has been an integral part to the success of the recent Ōpōtiki Community Health Shuttle as a member of the project team for funding. She has a comprehensive understanding of the public health care system and is an active contributor to our Ōpōtiki community. Predominantly in health, her many achievements include: CE, Te Ao Hou Trust since 2011, Project team for funding OCHS, OGS community member, Tereve reserves trust trustee, Eastern Bay Primary health alliance Trustee, OTHB Maori Health Runanga Iwi Rep.

Thank you for your nomination.

ODC

14 FEB 2020

11.10 am

NOMINATION FORM

TO STAND FOR THE POSITION OF TRUSTEE FOR THE OPOTIKI COMMUNITY HEALTH TRUST

Please return the completed form by 4.00pm, Friday 14 February 2020

To:
Tracey McNaughtan
Ōpōtiki District Council
PO Box 44
Ōpōtiki 3162

Or Email to: traceym@odc.govt.nz

Or deliver to: Council's main office at 108 St John Street, Ōpōtiki District Council

I hereby nominate:

Name: Courtney Andrews

Address: 6 Ruatuna Road RD2 OPOTIKI

For the position of Trustee for the Ōpōtiki Community Health Trust.

Nominated by: Rebecca Erickson

Address: 67 Armstrong Road RD2 OPOTIKI

Signed: [Signature]

Signature of Nominee: [Signature]

Please tell us why you believe the person you have nominated will be a good addition as a Trustee on the Ōpōtiki Community Health Trust Committee:

I have known Courtney for many years and I can confidently say that she is a person of impeccable character who is very community focused. Her ability to interact and connect with others is outstanding. I assure you that her commitment to this position as well as her high moral values are without a question and I have no doubt she will make a strong addition to your team.
Thanks.

Thank you for your nomination.



REPORT

Date : 26 February 2020

To : Ordinary Council Meeting, 10 March 2020

From : Katherine Hall, Policy Planner

Subject : **SUBMISSION TO THE MINISTRY FOR THE ENVIRONMENT PROPOSED NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY**

File ID : A192530

EXECUTIVE SUMMARY

This report outlines the Council draft response to the consultation carried out by the Ministry for the Environment for the proposed National Policy Statement for Indigenous Biodiversity.

PURPOSE

To present the draft submission for Council to agree or amend in response to the consultation on the proposed National Policy Statement for Indigenous Biodiversity (NPSIB).

BACKGROUND AND DISCUSSION

The Ministry for the Environment (MfE) is currently carrying out its consultation process on the proposed National Policy Statement for Indigenous Biodiversity (NPSIB), which closes on 14 March 2020.

The overall purpose of the proposed NPSIB is to set out objectives and policies in relation to maintaining indigenous biodiversity.

The NPSIB relates to the maintenance of indigenous biodiversity as a matter of national significance.

MfE produced a summary document; a discussion document and a draft version of the NPSIB. The draft NPSIB proposes that territorial authorities (TAs) are, among other things, required to:

- identify and classify Significant Natural Areas

- update the Significant Natural Areas every two years following the classification of all Significant Natural Areas.

Ōpōtiki District Council has created a submission for the proposed NPSIB, and a copy of this is attached. In brief, Council intends to submit that:

- We do not have the resources available to identify and classify SNAs; update SNAs every two years afterwards and notify a plan change following any discovery of an SNA through a resource consent in the District Plan, as required under Section 3.8(1) under the proposed NPSIB
- Chapter 13 of our Proposed District Plan provides adequate protection for areas of indigenous vegetation and habitats in the district, and these areas will be classified as SNAs as part of our works programme in our 2021-2031 Long Term Plan
- To identify and classify SNAs in Ōpōtiki district could introduce restrictions on developers that have not had the same opportunities in the past to develop economically by requiring a very high standard of assessment of effects, and conflicts with the overall intent of the Provincial Growth Fund
- To introduce an identification and classification exercise on land that is currently part of Treaty Settlement negotiations may interrupt the settlement process, and would require additional resourcing by council to maintain ongoing engagement with iwi and hapū
- The Ministry for the Environment needs to consider the practicalities of implementing the proposed NPSIB for council, and other small territorial authorities (especially those identified in the PGF), that do not have the funding available to carry out the requirements of the proposed NPSIB
- Consideration be given to provide funding to TAs with very limited resources in an effort to achieve the overall intent of the proposed NPSIB.

SIGNIFICANCE ASSESSMENT

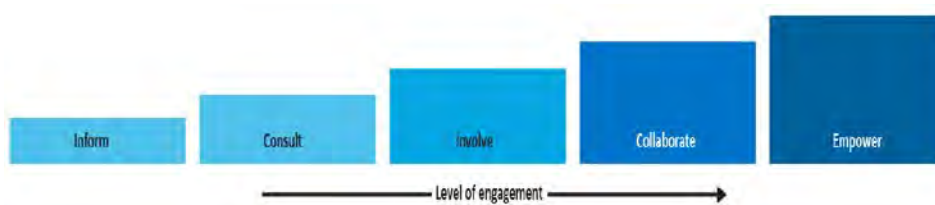
Assessment of significance

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 for the submission on the proposed National Policy Statement for Indigenous Biodiversity is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for the submission on the proposed National Policy Statement for Indigenous Biodiversity is considered to be low, the engagement required is determined to be at the level of 'inform' according to Schedule 2 of the Significance and Engagement Policy.



RECOMMENDATIONS:

- 1. That the report titled Submission on the Proposed National Policy Statement for Indigenous Biodiversity be received.**
- 2. That the submission as drafted be sent to the Ministry of the Environment**

Katherine Hall

POLICY PLANNER



Our reference: A192521

28 February 2020

Ministry for the Environment

Electronic letter: indigenousbiodiversity@mfe.govt.nz

To whom it may concern,

Ōpōtiki District Council submission: proposed National Policy Statement for Indigenous Biodiversity

Thank you for the opportunity to provide feedback on the proposed National Policy Statement for Indigenous Biodiversity (NPSIB).

The Council supports the overall intent of the NPSIB, to maintain and protect indigenous biodiversity as a matter of national significance.

Background

Ōpōtiki district is located in the Bay of Plenty region on the north-east end of the North Island of New Zealand. It is approximately 3105km² in area, and is roughly 25% of the total land mass of the Bay of Plenty Region.

According to 2018 Census data, the population of Ōpōtiki was 9276 people accounting for (approximately) 3% of the total population of the Bay of Plenty region. 54% of the population lives in rural areas, and Ōpōtiki has one of the lowest urban populations in the country.

Our district has among the highest levels of deprivation in New Zealand, and features at the wrong end of many key statistics: unemployment; median household income; benefit numbers; rate of home ownership and health.

Of the ratepayer population in New Zealand, residents in Ōpōtiki district have the lowest ability to pay their rates.

Large amounts of land within the district are owned by the Crown, and administered by the Department of Conservation (DOC). Approximately 70% of the district is managed by DOC, and of the remaining 30%, a large amount of this area has not been developed.

Resourcing and cost implications

In 1999, we undertook a desktop analysis to identify areas of significant indigenous vegetation and habitats of Ōpōtiki district. In 2019, we undertook the same desktop exercise and found that the majority of undeveloped land had remained undeveloped and, in some parts of the district, areas of bush and forest had increased. These areas are in the District Plan, and the Plan places sufficient protection on these areas already (Chapter 13, Landscapes, Indigenous Vegetation and Habitats): the effects of any activity proposed in these areas would be managed adequately through a subdivision or land-use resource consent process. In addition, we have indicated that we will undertake a plan change to classify these areas of indigenous vegetation and habitats as SNAs in the future, as part of our works programme in our 2021 – 2031 Long Term Plan (LTP).

However, to ground-truth the latest study could cost approximately \$500-\$700,000 which equates to an immediate 5-7% rate rise for residents. Combined with the inability to fund a ground-truth exercise, we have a very small team (one person) that would manage this process. It's likely that a consultant would need to be brought in to identify and classify SNAs which would be an additional high-end cost, given that the topography of the district is steep; difficult to traverse; very remote and would require interaction with many private land owners.

In a part of the country where residents have the lowest ability to pay their rates, this is a cost that council doesn't want to pass on to residents.

Section 3.8 of the proposed NPSIB, **3.8 Identifying significant natural areas**, states

3.8 (1) Every territorial authority must–

- a) undertake a district wide assessment in accordance with Appendix 1 to determine if an area is significant indigenous vegetation and / or significant habitat of indigenous fauna; and if it is,
- b) classify areas of significant indigenous vegetation and / or significant habitat of indigenous fauna as either High or Medium, in accordance with Appendix 2.

Territorial authorities must also use principles 3.8(2) a)-f) to assess and classify areas of significant indigenous vegetation. This must be completed within five years after the commencement date. Additionally, sub clause 3.8(8) requires that every territorial authority must notify a plan change, where practicable, to add any area that has been identified as a Significant Natural Area as a result of assessment undertaken as part of a resource consent application.

While we support the overall intent of the proposed NPSIB, it is considered that without financial assistance we would struggle to fulfil these requirements. As mentioned earlier, we have some of the highest levels of deprivation and poverty in the country and, as a consequence, every project that we commit to is carefully considered to make sure it provides real and immediate benefit to our residents. We simply do not have the resources available to identify and classify large areas of the district; update these areas every two years afterwards, or notify a plan change if an SNA is identified as a result of a resource consent application.

Besides the cost of the requirements being prohibitive for us, large amounts of land in the district are the subject of Treaty Settlement negotiations. It is noted that section **3.14 Identified taonga** of the proposed NPSIB requires that every regional council must work together with all the territorial authorities in its region and with tangata whenua to agree a process for identifying, describing, mapping and describing the values of taonga in the district.

Our district has arguably one of the richest, deepest and most diverse Māori populations in the country. In our district of roughly 9000 people, there are 20 marae and 53% of the population identify as Māori. While iwi and hapū in Ōpōtiki district are going through the process of Treaty Settlement negotiations, introducing a process that requires identifying and classifying land based on indigenous biodiversity has the potential to interrupt this process. Additionally, we are concerned that local iwi and hapū may not be sufficiently resourced to engage and interact in this process while Treaty Settlement negotiations are happening. Both ourselves and the Bay of Plenty Regional Council already consult with local hapū and iwi with regard to taonga within the district. We understand the importance and value of working collectively with iwi on these types of projects. An example of this is the Ōhiwa Harbour Strategy Coordination Group: Ōhiwa Harbour is considered taonga by Whakatōhea and the Strategy Coordination Group is attended by Ōpōtiki District Council, Bay of Plenty Regional Council, Whakatāne District Council, DOC and local hapū. However, we are aware that resources within these organisations are stretched and, therefore consideration needs to be given to ensuring there is sufficient financial support available for these groups to enable them to be involved in a meaningful way.

Conflicting national direction

As noted earlier, Ōpōtiki district has some of the highest levels of poverty and deprivation in New Zealand. The Government, as part of its Provincial Growth Fund (PGF), has identified the Eastern Bay of Plenty as a surge region.

One of the reasons, the government has identified our district as a priority for growth is that large portions of the Ōpōtiki district are not developed. In addition – a large portion of the land in the district is managed and administered by DOC. We would encourage the government to consider very carefully whether it is appropriate to burden the ratepayers of the district with a requirement to identify SNAs where most of the district has not been developed; cannot be developed because it is managed by DOC and likely is not degraded with regard to indigenous biodiversity.

We would also encourage the government to consider the objectives of the NPSIB in conjunction with other national objectives for growth.

There is a possibility that classifying areas as SNAs could hinder economic development in the future by introducing requirements (above what already exists) that would be too costly for an individual developer to meet (for instance, providing a very detailed Assessment of Effects as part of a subdivision consent, where there has been no development previously – as required under Section 3.9 **Managing adverse effects on SNAs**). Areas identified by government as priority areas for growth and investment need to be afforded equitable opportunity for economic development that other districts in New Zealand have received and are enjoying currently.

Conclusion

We submit that:

- we do not have the resources available to identify and classify SNAs; update SNAs every two years afterwards and notify a plan change following any discovery of an SNA through a resource consent in the district plan, as required under Section 3.8(1) under the proposed NPSIB
- Chapter 13 of our Proposed District Plan provides adequate protection for areas of indigenous vegetation and habitats in the district, and these areas will be classified as SNAs as part of our works programme in our 2021-2031 Long Term Plan
- to identify and classify SNAs in Ōpōtiki district could introduce restrictions on developers that have not had the same opportunities in the past to develop economically by requiring a very high standard of assessment of effects, and conflicts with the overall intent of the Provincial Growth Fund
- to introduce an identification and classification exercise on land that is currently part of Treaty Settlement negotiations may interrupt the settlement process, and would require additional resourcing by council to maintain ongoing engagement with iwi and hapū
- the Ministry for the Environment needs to consider the practicalities of implementing the proposed NPSIB for council, and other small territorial authorities (especially those identified in the PGF), that do not have the funding available to carry out the requirements of the proposed NPSIB
- consideration be given to provide funding to TAs with very limited resources in an effort to achieve the overall intent of the proposed NPSIB.

Council notes that it is anticipated the NPSIB will be gazetted by mid-2020: we hope that sufficient time has been allocated to give due consideration to points raised through the submission process.

For matters relating to this submission, please contact Katherine Hall, Policy Planner, in the first instance by email KatherineH@odc.govt.nz, or phone 07 315 3030.

We do wish to be heard in support of our submission.

Thank you for reading our submission; we look forward to receiving feedback.

Yours faithfully,

Lyn Riesterer

MAYOR OPOTIKI DISTRICT

REPORT

Date : 6 March 2020

To : Ordinary Council Meeting, 10 March 2020

From : Chief Executive Officer, Aileen Lawrie

Subject : **CHIEF EXECUTIVE OFFICER'S UPDATE**

File ID : A192347

STREET PARTY

Following the announcement of our funding for the Harbour, staff have been organising a community celebration for 14 March, in conjunction with Whakatōhea and Whakatōhea Mussels (Opotiki) Limited. We anticipate a range of entertainment, food stalls and speeches. The likely cost will be in the order of \$50,000. Funding for the party will come from available operational budgets in the leadership and support services activities where there is underspent budget to date. The planned expenditure for these budgets can be deferred to next year. A Council resolution is sought.

LGOIMA REQUESTS

LGOIMA Report (13/01/2020-04/03/2020)

Month	Submitter	Subject	Due
January 2020	Jayne Richards	Nitrates in Drinking Water	07/02/2020
	Nicholas Turoa	LGOIMA Request referred from BOPRC	Completed
	Machin - Far North DC	Who pays Building Staff professional fees	28/02/2020
	Machin - Far North DC	Who pays Building staff professional fees that ARE NOT BOINZ MEMBERSHIP and DIPLOMA fees.	Completed
	Chris Marshall	Rainwater tank use and your council regulations and practices	28/02/2020
	Mark Stringfellow – Whanarua Beachfront owners	Assurances not given	Completed

February 2020	Poppy Mitchell-Anyon (Vero)	Local Alcohol Policy (LAP)	Completed
	Rabson	Disposal Of Tyres	03/03/2020
	Mark Stringfellow	Archaeology Report Whanarua Bay	05/03/2020
	Andre Chumko - Dominion Post/Stuff	Abductions on council facilities	Completed
	ALGIM	Contact information	Completed
	Diana Levinson	Animal impoundment conditions	Completed
	Nick Turoa	List of easements with private residents over reserves land administered by ODC under the Reserves Act	25/03/2020

MEETINGS / EVENTS ATTENDED BY CEO – 17 JANUARY 2020 – 6 MARCH 2020

21 JANUARY 2020

ODC Tenders Sub-committee meeting

Interview – ODC as a case study Office of the Auditor-General 2018-19 Sector Report

22 JANUARY 2020

Met with HEB Construction, Tauranga

24 JANUARY 2020

BOP CEO's Forum, Te Puke

28 JANUARY 2020

Ordinary Council meeting

Council workshop

Met with Richard Ward, DIA

29 JANUARY 2020

Elected member training workshop

30 JANUARY 2020

Met with BOPRC Deputy Chair and CEO

Met with Whakatāne District Council CEO

Council Pop-Up Shop

31 JANUARY 2020

Council Pop-Up Shop

4 FEBRUARY 2020

Toi-EDA meeting, Whakatāne

5 FEBRUARY 2020

Ōpōtiki Harbour Development Project – stakeholders meeting

10 FEBRUARY 2020

Council workshop

13 FEBRUARY 2020

ODC Tenders Sub-Committee meeting

14 FEBRUARY 2020

Bay of Plenty Mayoral Forum, Rotorua

18 FEBRUARY

Tauranga

BOPLASS Directors meeting

Bay of Plenty Chief Executives Forum

21 FEBRUARY 2020

Pre-audit planning meeting with auditors

24 FEBRUARY 2020

EMA networking event, Whakatāne

25 FEBRUARY 2020

Office of the Auditor-General workshop

PGF announcement, Kawerau

27 FEBRUARY 2020

Presentation to Land Girls

28 FEBRUARY 2020

NZ Infrastructure Commission conference, Auckland

2 MARCH 2020

ODC Risk and Assurance Committee meeting

Met with Terri Eggleton, BayTrust

5-6 MARCH 2020

Wellington

Rural Provincial Chief Executives Forum

Rural Provincial meeting

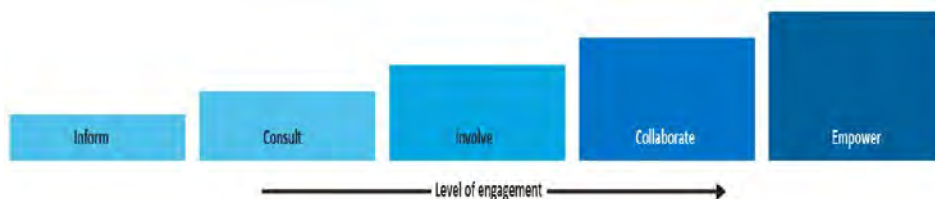
SIGNIFICANCE ASSESSMENT

Assessment of significance

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 for the Chief Executive Officer's Update is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for the Chief Executive Officer's Update is considered to be of low the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



RECOMMENDATIONS:

1. That the report titled "Chief Executive Officer's Update" be received.
2. That Council approves up to \$50,000 of expenditure to fund the Ōpōtiki Harbour and Aquaculture Celebration Street Party.

Aileen Lawrie

CHIEF EXECUTIVE OFFICER

REPORT

Date : 5 March 2020

To : Ordinary Council Meeting, 10 March 2020

From : Chief Executive Officer, Aileen Lawrie

Subject : **RESOLUTION TO EXCLUDE THE PUBLIC**

SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987

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

- 17. Confirmation of In-Committee Minutes – Ordinary Council Meeting 28 January 2020.**
- 18. Minutes – Toi-EDA meeting 4 March 2020.**
- 19. Property Transaction.**
- 20. Property Transaction Update.**

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

Item No	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
17.	In-Committee Minutes – Ordinary Council Meeting 28 January 2020	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
18.	Minutes - Toi-EDA Meeting 4 March 2020	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

19.	Property Transaction	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
20.	Property Transaction Update	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

17.	Protect the privacy of natural persons Protect information Protection from improper pressure or harassment Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities	Section 7(2)(a) Section 7(2)(b)(i) & (ii); (d) & (e) and Section 7(2)(c)(i) & (ii) Section 7(2)(f)(ii) Section 7(2)(j) Section 7(2)(i) Section 7(2)(g) Section 7(2)(h)
18.	Protect the privacy of natural persons Protect information	Section 7(2)(a) Section 7(2)(b)(i) & (ii)
19.	Protect the privacy of natural persons Commercial sensitivity Protection from improper pressure or harassment Carry out negotiations	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(f)(ii) Section 7(2)(i)
20.	Protect the privacy of natural persons Commercial sensitivity Protection from improper pressure or harassment Carry out negotiations	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(f)(ii) Section 7(2)(i)