



# **COUNCIL**

# **AGENDA**

First Triennial Meeting to be held

**TUESDAY 25 OCTOBER 2016**

**7.00PM**

In the Manawatu District Council Chambers,  
135 Manchester Street, Feilding

*R.G. Templer*

Dr Richard Templer  
**Chief Executive**

## **MEMBERSHIP**

### **Chairperson**

Her Worship the Mayor, Mrs Helen Worboys

### **Deputy Chairperson**

To be appointed

### **Members**

Councillor Steve Bielski  
Councillor Stuart Campbell  
Councillor Barbara Cameron  
Councillor Shane Casey  
Councillor Michael Ford  
Councillor Hilary Humphrey  
Councillor Phil Marsh  
Councillor Andrew Quarrie  
Councillor Alison Short  
Councillor Howard Voss

# ORDER OF BUSINESS

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The meeting will adjourn, to reconvene on Wednesday 26 October 2016 at 8.30am.	
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<b>6.1 EXPLANATION OF LEGISLATION AFFECTING MEMBERS</b>	<b>4</b>
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## Council

Meeting of 25 October 2016

Business Unit: Corporate and Regulatory  
Date Created: 04 October 2016

## Explanation of Legislation Affecting Members

### Purpose

To provide a general explanation of the Local Government Official Information and Meetings Act 1987 and other laws affecting elected members.

### Significance of Decision

The Council's Significance and Engagement policy is not triggered by matters discussed in this report.

### Recommendations

That the Council receives the general explanation of laws affecting elected members.

Report prepared by:  
Allie Dunn  
Business Support Team Leader - Corporate

Approved for submission by:  
Shayne Harris  
General Manager - Corporate and Regulatory

## 1 Contribution to the Council Vision and Council Outcomes

### 1.1 Relationship to the Council Outcomes that underpin the Council's Vision:

*Connected, vibrant and thriving Manawatu – the best rural lifestyle in New Zealand*

Manawatu District will improve the natural environment, stewarding the district in a practice aligned to the concept of kaitiakitanga.	The Manawatu will attract and retain residents.	Manawatu district develops a broad economic base from its solid foundation in the primary sector.	Manawatu and its people are connected via quality infrastructure and technology.	Manawatu's built environment is safe, reliable and attractive.	Manawatu District Council is an agile and efficient organisation.
					✓

## **2 Background**

2.1 The Local Government Act 2002, Schedule 7, requires that at the first meeting of the Council following the triennial general election, a general explanation is given of the following laws affecting elected members:

- The Local Government Official Information and Meetings Act 1987; and
- Other laws affecting members, including the appropriate provisions of the Local Authorities (Members' Interests) Act 1968, Sections 99, 105 and 105A of the Crimes Act 1961, the Secret Commissions Act 1910, and the Financial Markets Conduct Act 2013.

2.2 In addition to the above laws, we have included a general explanation of two other key statutes, being the Health and Safety at Work Act 2015 and the Public Records Act 2005.

## **3 Discussion and Options considered**

### **Local Government Official Information and Meetings Act 1987**

3.1 This Act applies to every local authority in New Zealand. Its overriding principle is that information is to be made available, unless there is good reason under the Act to withhold it. The purposes of the Act are:

- a) To provide for the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities, in order:
  - i) To enable more effective participation by the public in the actions and decisions of local authorities; and
  - ii) To promote the accountability of local authority members and officials.
- b) To provide for proper access by each person to official information relating to that person.
- c) To protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.

3.2 Official information includes virtually all information held by a local authority, its members, officers or employees and includes file records, computer data, plans, photographs and manuals. It does not include the following:

- a) Information contained in library or museum material made or acquired and preserved solely for reference or exhibition purposes; or
- b) Information which is held by a local authority solely as an agent or for the sole purpose of safe custody and which is so held on behalf of a person other than a local authority; or
- c) Information contained in any correspondence or communication that has taken place between the Office of the Ombudsman and any local authority and relates to an investigation conducted by an Ombudsman other than information that came into existence before the commencement of that investigation; and

- d) Information contained in any correspondence or communication that has taken place between the office of the Privacy Commissioner and any local authority and relates to any investigation conducted by the Privacy Commissioner under the Privacy Act 1993, other than information that came into existence before the commencement of that investigation.
- 3.3 The Act details the reasons for which official information may be withheld. Conclusive reasons for withholding information are where release would be likely to prejudice maintenance of the law or would endanger the safety of any persons. There are other general reasons for withholding information.
- 3.4 Every meeting must be open to the public unless the Council or committee resolves to exclude the public.
- 3.5 Members of the news media are deemed to be members of the public and therefore under the same conditions as apply to the general public.
- 3.6 Copies of agendas and reports (except those to be dealt with in “non-public”) must be made available for members of the public. Likewise, the public may inspect the minutes of any open meeting of the local authority.

#### **Local Authorities (Members’ Interests) Act 1968**

- 3.7 This matter is covered in detail in the Audit Office’s handbook circulated separately “A Guide to the Local Authorities (Members’ Interest) Act 1968.” The Act deals, in the main, with two matters:
- a) Contracts entered into by members of local authorities; and
  - b) Restrictions on members discussing and voting on matters in which they have a pecuniary interest.
- 3.8 The Act provides that no person may be elected or appointed to a local authority if that person is concerned or interested in any contract made by the local authority if in respect to that contract payments in excess of \$25,000 per annum are made. The same limits apply to subcontracts. This limit may be extended with the prior approval of the Audit Office.
- 3.9 The Act also applies where a member’s interest in a contract arises through an incorporated company and where the member or the member’s spouse owns 10% or more of the capital of the company.
- 3.10 A member can also be disqualified through an interest his or her spouse may have in some other type of business, such as a partnership.
- 3.11 There are a number of exemptions which, under certain circumstances, may be granted in accordance with the Act.
- 3.12 The Act also prohibits a member of a local authority from voting or taking part in any discussion on any matter in which the member has a pecuniary interest. Such interest must be declared when the matter is raised.
- 3.13 The Manawatu District Council keeps an interests register. This register enables relevant managers to be aware of most relevant ongoing interests and acts as a reminder to members and officials of the need to be alert for conflicts of interest. Members will be

asked to complete a declaration listing specified personal interests for inclusion on the register. Placing interests on record is consistent with the principle of transparency.

### **Crimes Act 1961**

- 3.14 The legislation requires that elected members be briefed on this Act, in particular Sections 99, 105 and 105A. The sections referred to are contained in Part 6 of the Act and relate to bribery and corruption.
- 3.15 Section 99 provides definitions of words contained in the Act. An “official” includes any member or employee of any local authority, and “bribe” means any money, valuable consideration, office or employment, or any benefit whether direct or indirect.
- 3.16 Sections 105 and 105A describe offences under this section of the Act and Council is advised that every official who accepts a bribe commits an offence.
- 3.17 Likewise it is an offence for anyone to offer a bribe with the intent to influence an official.
- 3.18 Additionally, any person who corruptly uses or discloses information acquired in an official capacity to obtain an advantage or pecuniary gain commits an offence.

### **Secret Commissions Act 1910**

- 3.19 This Act details offences in relation to receiving gifts and rewards for procuring contracts. Every person commits an offence who:
  - a) Gives or offers a gift as an inducement or reward for any act.
  - b) Obstructs, diverts or interferes with the affairs of Council with the intent to obtain a gift or other consideration.
  - c) Makes a contract and then fails to notify any pecuniary interest (any pecuniary interest of a partner or immediate family also applies).
  - d) Advises any person to enter a contract with a third person and receives a gift or consideration for that advice.

### **Financial Markets Conduct Act 2013**

- 3.20 The main purposes of this Act are:
  - a) to promote the confident and informed participation of businesses, investors, and consumers in the financial markets; and
  - b) promote and facilitate the development of fair, efficient, and transparent financial markets.
- 3.21 Its application to Council would arise if Council wished to borrow money by public stock issues. In such a case, Council would be required to publish an investment statement and a prospectus. Where published documents relating to an issue of securities are found to contain false or misleading information, or are likely to mislead or confuse or contain untrue statements, the directors (in this case the Mayor and Councillors) of the issue may be held both criminally liable and civilly liable.
- 3.22 However, this Council does not borrow money by issuing public stock.

## **4 Health and Safety at Work Act 2015**

- 4.1 On 4 April 2016, the Health and Safety at Work Act 2015 came into force. This Act provides a significant change to New Zealand's current health and safety legislation and is a response to the scrutiny placed on New Zealand's health and safety practices following the Pike River tragedy.
- 4.2 The Act allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace, and for the person conducting a business or undertaking (PCBU) (i.e. the Council) to ensure, as far as is reasonably practicable, the safety of workers and others who may be impacted by the work the business undertakes.
- 4.3 One of the significant changes is the introduction of "Officers", who is any person occupying a position in relation to the business or undertaking, that allows the person to exercise significant influence over the management of the business or undertaking.
- 4.4 For the purposes of the Health and Safety at Work Act 2015, elected Council members (which include the Mayor and Councillors) and the Chief Executive are by default identified as "Officers". However the elected Council members do not have a duty to exercise due diligence to ensure compliance by any council-controlled organisations with its duties or obligations under the Act unless that member is also an officer of the council-controlled organisation.
- 4.5 Officers have obligations of due diligence, which are:
- (a) to acquire, and keep up-to-date, knowledge of work health and safety matters; and
  - (b) to gain an understanding of the nature of the operations of the business or undertaking of the PCBU, and generally of the hazards and risks associated with those operations; and
  - (c) to ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
  - (d) to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and
  - (e) to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and
  - (f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).
- 4.6 Elected members are exempt from the liabilities of failure to meet the due diligence duty. The focus of any liability is on the Council as the PCBU.

## **5 Public Records Act 2005**

- 5.1 The Public Records Act's purpose is to provide a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible. The Public Records Act 2005 provides for the continuity of the

National Archives and the role of the Chief Archivist. The Act enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It also provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.

5.2 The definition of a record includes information, whether in its original form or otherwise, and is not limited to just written information. The definition also includes (but is not limited to) a signature, a seal, text, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process.

5.3 In the conduct of their affairs elected members may receive information directly, for example from constituents. Members will need to consider whether that information meets the definition of a local authority record and if so will need to ensure it is included in the Council's records.

## **6 Operational Implications**

6.1 There are no capital / operating expenditure implications or maintenance costs associated with this report.

## **7 Financial implications**

7.1 There are no financial implications arising from this report.

## **8 Statutory Requirements**

8.1 Clause 21(5)(c) of Schedule 7 to the Local Government Act 2002 sets out the statutory requirement to brief the Council on certain laws affecting members.

## **9 Delegations**

9.1 The Council has authority to consider this matter.

## **10 Consultation**

10.1 There are no consultation requirements associated with this report.

## **11 Cultural Considerations**

11.1 There are no cultural considerations associated with this report.

## **12 Conclusion**

12.1 This report provides a general overview of key legislation affecting elected members. The Council is asked to note the information provided.

## **13 Attachments**

- There are no attachments.

## **Council**

Meeting of 25 October 2016

Business Unit: Corporate and Regulatory  
Date Created: 12 October 2016

### **Appointment of the Deputy Mayor for 2016-19 Triennium**

#### **Purpose**

To advise Council of the appointment of the Deputy Mayor and to provide the Council with background information on the powers under section 41A of the Local Government Act 2002 for the Mayor to appoint the Deputy Mayor.

#### **Significance of Decision**

The Council's Significance and Engagement policy is not triggered by matters discussed in this report.

#### **Recommendations**

1. That the Council notes that under section 41A of the Local Government Act 2002 the Mayor has the power to appoint the Deputy Mayor.
2. That the Council notes that the Mayor has chosen to use her power to appoint the Deputy Mayor.
3. That the Council notes that the Mayor has appointed Councillor Michael Ford as Deputy Mayor.

Report prepared by:  
Allie Dunn  
Business Support Team Leader - Corporate

Approved for submission by:  
Shayne Harris  
General Manager - Corporate and Regulatory

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## 1 Contribution to the Council Vision and Council Outcomes

### 1.1 Relationship to the Council Outcomes that underpin the Council's Vision:

*Connected, vibrant and thriving Manawatu – the best rural lifestyle in New Zealand*

Manawatu District will improve the natural environment, stewarding the district in a practice aligned to the concept of kaitiakitanga.	The Manawatu will attract and retain residents.	Manawatu district develops a broad economic base from its solid foundation in the primary sector.	Manawatu and its people are connected via quality infrastructure and technology.	Manawatu's built environment is safe, reliable and attractive.	Manawatu District Council is an agile and efficient organisation.
✓	✓	✓	✓	✓	✓

## 2 Background

2.1 The Council makes decisions on behalf of the wider public interest, taking into account the needs of current and future generations and the goals of the district. Appointment of a Deputy Mayor ensures that the decision-making process and community engagement can continue during any absence of the elected Mayor.

2.2 The Local Government Act 2002 Amendment Act 2012 provided additional powers for mayors, which came into effect immediately after the 12 October 2013 elections. These powers were modelled on the powers given to the position of Mayor of Auckland Council, although not as extensive.

2.3 The additional powers mean the Mayor can:

- Lead the development of Council plans, policies and budgets;
- Appoint the Deputy Mayor;
- Establish Council committees; and
- Appoint Chairs to those committees.

2.4 The use of the powers is discretionary, and the powers can be used at any time during the triennium.

## 3 Discussion and Options considered

3.1 Although the Mayor has discretionary power to appoint the Deputy Mayor, the Local Government Act 2002 requires the Deputy Mayor to be appointed at the Council's first triennial meeting. This means that either the Mayor makes the appointment under her discretionary powers at this meeting (once they have made their official oath of office), or if the Mayor declines to appoint the Deputy Mayor, then the Council must elect one of its members to the office of Deputy Mayor.

3.2 If the Mayor declines to exercise her discretionary power to appoint the Deputy Mayor, then the Council will be required to make that appointment following the process described in clauses 25 (1) to (4) of Schedule 7 of the Local Government Act 2002.

3.3 The Council also has the power to remove a Deputy Mayor appointed by the Mayor, following the process outlined in Clause 18, Schedule 7 of the Local Government Act 2002.

## **4 Operational Implications**

- 4.1 There are no capital / operating expenditure implications or maintenance costs associated with this paper.

## **5 Financial implications**

- 5.1 The remuneration for the position of Deputy Mayor was set at \$38,745 for the 2016-17 year by the Remuneration Authority.

## **6 Statutory Requirements**

- 6.1 As discussed in previous sections, new powers for Mayors came into effect from 12 October 2013. These powers are set out in Section 41A of the Local Government Act 2002. Included in these powers is the power to appoint the Deputy Mayor.
- 6.2 However, nothing in the above limits or prevents a Council from removing a Deputy Mayor that the Mayor has appointed (following the process contained in Clause 18 of Schedule 7 of the Local Government Act 2002).
- 6.3 The power of the Council to appoint a Deputy Mayor, outlined in Clause 17 of Schedule 7 of the Local Government Act 2002, does not apply unless the Mayor declines to exercise their Mayoral power to appoint the Deputy Mayor.
- 6.4 In the case of a Mayor choosing not to use their Mayoral powers for the appointment of the Deputy Mayor, the Council would then have to appoint the Deputy Mayor at its first triennial meeting and would have to follow the process outlined in Clause 25 of Schedule 7 of the Local Government Act 2002 "Voting systems for certain appointments".

## **7 Delegations**

- 7.1 The Mayor is not able to delegate any of the powers given to them under Section 41A of the Local Government Act 2002.

## **8 Consultation**

- 8.1 There are no community consultation requirements associated with this paper.

## **9 Cultural Considerations**

- 9.1 There are no cultural considerations associated with this paper.

## **10 Conclusion**

- 10.1 The appointment of a Deputy Mayor is a statutory requirement of all Councils and is required to be made at the first meeting of the Council following the triennial general election of its members. As from 12 October 2013, the appointment of the Deputy Mayor became a discretionary power given to the Mayor. If the Mayor chooses not to exercise this power, then the Council must appoint a Deputy Mayor at the first meeting of the Council following the election. The appointment of a Deputy Mayor ensures the continuity of

performance of the responsibilities and duties of the Mayor on occasions when the Mayor is unable to do so.

## **11 Attachments**

- There are no attachments.

## Council

Meeting of 25 October 2016

Business Unit: Corporate and Regulatory  
Date Created: 05 October 2016

### Setting of Date of First Meeting of Council

#### Purpose

To confirm the date and time of the first meeting of Council in accordance with Schedule 7, Clause 21(d) of the Local Government Act 2002.

#### Significance of Decision

The Council's Significance and Engagement policy is not triggered by matters discussed in this report.

#### Recommendations

That the Council confirms the first meeting of Council will be held on Wednesday 16 November 2016, at 8.30am.

Report prepared by:  
Allie Dunn  
Business Support Team Leader - Corporate

Approved for submission by:  
Shayne Harris  
General Manager - Corporate and Regulatory

## 1 Contribution to the Council Vision and Council Outcomes

### 1.1 Relationship to the Council Outcomes that underpin the Council's Vision:

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					✓

## **2 Background**

- 2.1 The Local Government Act 2002 requires all Councils to fix a date and time for the first meeting of the Council, or adopt a schedule of meetings.

## **3 Discussion and Options considered**

- 3.1 The Local Government Act 2002 requires the Council to hold the meetings necessary for the good government of its district.
- 3.2 The meetings must be called and conducted in accordance with the requirements set out in the Local Government Act 2002, Part VII of the Local Government Official Information and Meetings Act 1987, and the Standing Orders of the Council.
- 3.3 The meetings must be held at the time and place specified in the notification of the meeting.
- 3.4 A proposed schedule of meetings for the 2017 calendar year will be brought to the first meeting of Council, proposed to be held on 16 November 2016, for adoption. The schedule of meetings will be based on the committee structure adopted by the Council.

## **4 Operational Implications**

- 4.1 There are no capital / operating expenditure implications or maintenance costs associated with this paper.

## **5 Financial implications**

- 5.1 There are no financial implications associated with this report.

## **6 Statutory Requirements**

- 6.1 The Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 set the framework for the scheduling and holding of meetings. Clause 21(5)(d) of Schedule 7 of the Local Government Act 2002 sets out the requirement for fixing the date and time of the first meeting of Council.

## **7 Delegations**

- 7.1 The Council has authority to consider this matter.

## **8 Consultation**

- 8.1 The Council is required to give public notice of all Council and Committee meetings, and there are requirements around the amount of prior notice required. The Council is also required to make available to the public, at least three days prior to each meeting, the agenda and associated reports that would be considered at the meeting. This is to enable members of the public to be informed about decisions that the Council proposes to make, to give them an opportunity to make their views known to Council members prior to the debate, and to speak during public forum on matters of concern. Copies of the agendas and

their associated reports are displayed in the Feilding Library, at Council's reception, and on the Council's website at least three days prior to each meeting.

## **9 Cultural Considerations**

9.1 There are no cultural considerations associated with this report.

## **10 Conclusion**

10.1 The first meeting of Council will be publicly notified as required by the Local Government Official Information and Meetings Act 1987, and the agenda setting out the items of business for consideration will be circulated to members and the public at least three days prior to the meeting.

## **11 Attachments**

- There are no attachments.

## Council

Meeting of 25 October 2016

Business Unit: Corporate and Regulatory  
Date Created: 14 October 2016

## Establishment of Committees

### Purpose

To advise the Council that Her Worship the Mayor has exercised her discretionary power in terms of Section 41A Subsection 3 of the Local Government Act 2002 to establish the committees of Council and to advise the appointment of Chairpersons to those committees.

### Significance of Decision

The Council's Significance and Engagement policy is not triggered by matters discussed in this report.

### Recommendations

That the Council notes the Committee structure established by Her Worship the Mayor as follows:

<b>Committee</b>	<b>Chairperson</b>
Strategic Planning and Policy Committee	Councillor Phil Marsh
Community Funding Committee	Councillor Hilary Humphrey
Audit and Risk Committee	Councillor Stuart Campbell
Hearings Committee	Councillor Howard Voss
Creative Communities Assessment Committee	Councillor Barbara Cameron
Workshop Committee	Mayor Helen Worboys
Chief Executive's Employment Committee	Mayor Helen Worboys
Nga Manu Taiko Manawatu District Council	(Committee to elect own Chairperson)

Report prepared by:  
Allie Dunn  
Business Support Team Leader - Corporate

Approved for submission by:  
Shayne Harris  
General Manager - Corporate and Regulatory

## 1 Contribution to the Council Vision and Council Outcomes

### 1.1 Relationship to the Council Outcomes that underpin the Council's Vision:

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✓	✓	✓	✓	✓	✓

## 2 Background

2.1 The Council makes decisions on behalf of the wider public interest, taking into account the needs of current and future generations and the goals of the district. The establishment of committees enhances efficient and effective decision making by distributing the workload of the Council amongst subordinate decision making bodies.

2.2 The Local Government Act 2002 Amendment Act 2012 provided additional powers for mayors, which came into effect immediately after the 12 October 2013 elections. These powers were modelled on the powers given to the position of Mayor of Auckland Council, although not as extensive.

2.3 The additional powers mean the Mayor can:

- Lead the development of Council plans, policies and budgets;
- Appoint the Deputy Mayor;
- Establish Council committees; and
- Appoint Chairs to those committees.

2.4 The use of the powers is discretionary, and the powers can be used at any time during the triennium.

## 3 Discussion and Options considered

3.1 Under Section 41A of the Local Government Act 2002 the Mayor has the power to establish committees, and to appoint the chairperson of each of those committees. The Mayor is able to make the appointments of Chairpersons before the other members of the committees are determined.

3.2 Her Worship the Mayor has chosen to exercise this power. The following are the committees, and the appointed Chairpersons, that have been established:

Committee	Chairperson
Strategic Planning and Policy Committee	Councillor Phil Marsh

<b>Committee</b>	<b>Chairperson</b>
Community Funding Committee	Councillor Hilary Humphrey
Audit and Risk Committee	Councillor Stuart Campbell
Hearings Committee	Councillor Howard Voss
Creative Communities Assessment Committee	Councillor Barbara Cameron
Workshop Committee	Mayor Helen Worboys
Chief Executive's Employment Committee	Mayor Helen Worboys
Nga Manu Taiko Manawatu District Council	(Committee to elect own Chairperson)

3.3 The Council has the power to appoint, in accordance with Clause 30 of Schedule 7 of the Local Government Act 2002, additional committees to those established by the Mayor.

3.4 The Council also has the power to discharge committees established by the Mayor, and also to discharge a chairperson appointed by the Mayor, following the processes outlined in Clauses 30 and 31, Schedule 7 of the Local Government Act 2002.

#### **4 Operational Implications**

4.1 There are no capital or operating expenditure implications associated with this paper.

#### **5 Financial implications**

5.1 There are no financial implications associated with this paper. The remuneration of Committee Chairpersons was set by the Remuneration Authority. Under their determination they approved three Committee Chairperson positions, to be paid at 25% more than the base councillor salary, resulting in total remuneration for each of the three Committee Chairperson positions of \$34,594.00. At the time of the determination, the three Committee Chairperson positions that were remunerated at the higher level were the Chairpersons of the Strategic Planning and Policy Committee, the Community Funding Committee and the Hearings Committee.

5.2 There were no additional amounts payable under this determination for other committee chairpersons. Should the Council wish to recognise additional levels of responsibility for other committees, a recommendation would need to be made to the Remuneration Authority for their approval and budget adjustments made.

#### **6 Statutory Requirements**

6.1 As discussed in previous sections, new powers for Mayors came into effect from 12 October 2013. These powers are set out in Section 41A of the Local Government Act 2002. Included in these powers is the discretionary power to establish committees of the Council, and to appoint Chairpersons to those committees.

6.2 However, nothing in the above limits or prevents a Council from discharging or reconstituting the committees established by the Mayor, following the process set out in Clause 30 of Schedule 7 of the Local Government Act 2002, or discharging a chairperson appointed by the Mayor following the process outlined in Clause 31 of Schedule 7 of the Local Government Act 2002.

6.3 Clause 32 of Schedule 7 of the Local Government Act 2002 sets out the ability of the Council to delegate authority to the committees established either by the Mayor under her discretionary powers, or established by Council under Clause 30 of Schedule 7.

## **7 Delegations**

7.1 The Mayor has a discretionary power to establish the committees of Council, and the Chairpersons of those committees. However the Mayor is not able to delegate her powers for establishing committees of the Council, and appointing the Chairperson of each committee.

## **8 Consultation**

8.1 There are no consultation requirements associated with this report.

## **9 Cultural Considerations**

9.1 There are no cultural considerations associated with this report.

## **10 Conclusion**

10.1 The Council's committees have been established under the Mayor's discretionary powers, and the Chairpersons appointed for those committees. The determination of the membership of those committees, and the terms of reference and delegation of authority for each committee will be considered separately by Council.

## **11 Attachments**

- There are no attachments.