

**AGENDA AND SUPPORTING PAPERS FOR
THE FIRST MEETING OF THE WEST COAST REGIONAL COUNCIL
FOLLOWING THE 2010 TRIENNIAL ELECTION**

STARTING TIME: 1.00 p.m.

DATE: 26 OCTOBER 2010

VENUE: COUNCIL CHAMBERS, WEST COAST REGIONAL COUNCIL
388 MAIN SOUTH ROAD, GREYMOUTH.

Following the Inaugural Meeting there will be a workshop on the Council's Investment Fund to discuss recent recommendations of the Fund Manager.

At the conclusion of the workshop, new and existing Councillors are invited to an induction run by the CEO and Council Management Team, to familiarise themselves with Council policies and operations.

THE WEST COAST REGIONAL COUNCIL

NOTICE is hereby given that the first meeting of THE WEST COAST REGIONAL COUNCIL following the 2010 triennial election will be held in the Council Chambers at 388 Main South Road, Greymouth commencing at 1.00 p.m. on Tuesday, 26 October 2010.

CHRIS INGLE
CHIEF EXECUTIVE OFFICER

AGENDA

(Note that the meeting will be chaired by the Chief Executive Officer until a chairperson is elected at Item 3)

ITEM NO.	PAGE NO	BUSINESS
1.	-	Welcome and Apologies
2.	1	Introductions. Reading aloud and signing the enclosed Declaration as required Schedule 7, Clause 14 of the Local Government Act 2002.
3.	2	Election of Chairperson, Deputy Chairperson and Chairperson of Resource Management Committee; to be followed by the making and attesting of the Chairperson's declaration as required Schedule 7, Clause 14 of the Local Government Act 2002.
4.	3 – 4	General Explanations of various legislation affecting members required by of the Local Government Act 2002, including: (i) Local Government Official Information and Meetings Act 1987. (ii) Local Authorities (Members Interests) Act 1968. (iii) Secret Commissions Act 1910. (iv) Crimes Act 1961 – Sections 99 and 105. (v) Securities Act 1978.
5.	5	Declaration of Members Interests.
6.	6 – 11	Salaries Payable to Chairman and Councillors for the Interim Period Following the Election.
7.	12 – 24	Appointment of Council representatives to other Committees.
8.	25	Rating District Liaison Committee Arrangements.
9.	26	Standing Orders.
10.	27	Councillors Code of Conduct.
11.	28	Governance Statement.
12.	29 – 30	Schedule of Ordinary Meetings.
13.		Adoption of Audited Annual Report for Year to 30 June 2010. (Audit Report and final version of Annual Report to be circulated prior to meeting).

DECLARATION BY MEMBER

I,

declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the West Coast region, the power, authorities, and duties vested in or imposed upon me as a Member of The West Coast Regional Council by virtue of the Local Government Act 2002 the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Greymouth this 26th day of October 2010.

Signature

Signed in the presence of

Chris Ingle
Chief Executive Officer

DECLARATION BY CHAIRPERSON

I,

declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the West Coast region, the power, authorities, and duties vested in or imposed upon me as a Chairperson of The West Coast Regional Council by virtue of the Local Government Act 2002 the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Greymouth this 26th day of October 2010.

Signature

Signed in the presence of

Chris Ingle
Chief Executive Officer

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Meeting – 26 October 2010
 Prepared by: Robert Mallinson – Corporate Services Manager
 Date: 11 October 2010

Subject: **GENERAL EXPLANATIONS PURSUANT TO CLAUSE 21 OF
 SCHEDULE 7 OF THE LOCAL GOVERNMENT ACT 2002**

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

The purpose of this Act is:

- (i) to make official information held by local authorities more freely available;
- (ii) to provide for proper access by each person to official information relating to that person which is held by local authorities;
- (iii) to provide for the admission of the public to meetings of local authorities;
- (iv) to protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy, and to establish procedures for the achievement of these purposes.

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

This Act consolidated and amended the law relating to the making of contracts between local authorities and the members thereof, and to the restrictions on the actions of such members when matters in which they have a pecuniary interest are under consideration.

Pecuniary is defined as relating to money.

Members attention is drawn in particular to Clause 6, which requires a member of a local authority or committee not to discuss or vote on matters in which they have a pecuniary interest.

Clause 3 gives an exemption for payments made by a local authority in respect of all contracts made by it with the member or their interest to a limit of \$25,000.

This amount may be exceeded only with the prior approval of the Office of the Auditor General.

I attach a form of declaration of interest for completion. Please return the completed forms to the Corporate Services Manager.

SECRET COMMISSIONS ACT 1910

This Act requires both Councillors and staff not to receive or seek gifts or rewards for Council's services.

CRIMES ACT 1961

Sections 105 deal with bribery and corruption of officials, which includes both Councillors and Staff.

Section 105A deals with the corrupt use of Official Information.

SECURITIES ACT 1978

This Act deals with offers of Securities to the Public.

RECOMMENDATION

That this report be received.

Robert Mallinson
Corporate Services Manager.

CONFIDENTIAL TO COUNCIL

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Meeting – 26 October 2010
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 11 October 2010

Subject: **DECLARATION OF MEMBERS INTERESTS**

The Local Authorities (Members’ Interests) Act 1968 (and amendments), places restrictions upon contracts between a local authority and its members.

The main restriction is:-

- (a) Except with the prior approval of the Audit Office, the total value of all contracts entered into in any financial year in which an Elected Member is interested may not exceed \$25,000.00

The Act provides also that no member of a local authority shall discuss nor vote on any matters in which he has, directly or indirectly, a pecuniary interest. (This includes the resolution of payment of accounts).

An Elected Member is deemed to have an interest in a contract where the contract is to be made in the following circumstances.

- (a) With an Elected Member personally.
- (b) With a company where the Elected Member or his spouse singly or between them own ten per cent or more of the issued capital of that company or another company controlling that company.
- (c) With a company where the Elected Member or his spouse is a member of the company and also the Managing Director, General Manager or Branch Manager of that company.
- (d) With a company controlled by a company of which an Elected Member or his spouse is a member and also Managing Director, General Manager or Branch Manager.

To enable me to ensure that the provisions of this Act are not breached, would you please supply below, on a confidential basis, the names of companies and other entities in which you consider you have an interest in terms of this Act.

Robert Mallinson
Corporate Services Manager.

MEMBER’S INTEREST

Elected Member

Name of Companies

.....

.....

.....

Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 26 October 2010
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 11 October 2010

Subject: **SALARIES PAYABLE TO COUNCILLORS DURING THE IMMEDIATE
POST ELECTION PERIOD**

The Remuneration Authority issued an interim determination on 30 August 2010 that Councillors would be paid a uniform salary during the period from the date of the local body elections until a new determination for that Council was able to be issued by the Remuneration Authority. The interim determination is:

Chair: \$66,990 *
Councillors: \$20,800

The Remuneration Authority will send out forms in due course requesting recommendations for the remuneration of members of the newly elected council.

*The existing Chair mandate ceases on the date that the results are formally declared by the Returning Officer. The Chair salary of \$66,990 will apply from the date that a Chair is elected at the Inaugural Meeting.

RECOMMENDATION

That this report be received.

Robert Mallinson
Corporate Services Manager

30 August 2010

To: All Mayors, Chief Executive Officers and Community Board Chairs
Chairs and Chief Executive Officers, Regional Councils
(Excluding Auckland)

Interim Determination

The determination covering the immediate post-election period (Local Government Elected Members (2010/11) (Except Auckland) Determination 2010) was gazetted on 19 August 2010 and is available on the website www.legislation.co.nz and in Bennetts Bookshops.

These salaries will be those payable from the date on which the successful candidates come into office until a final determination for 2010-2011 is issued by the Remuneration Authority.

The basis of the calculation of the interim salaries is:

1. Councillors' salaries have been set at approximately 80% of the rate applying from July 2010 until the election.
2. Mayors'/Regional Council Chairs' salaries have been reviewed by the Authority and a new rate has been set (which includes adjustments made to recognise any existing provision of a motor vehicle for private use).
3. Community board members' salaries have been determined at approximately 90% of the July 2010 determination.
4. No meeting fees are payable during the interim period.
5. No additional remuneration is established for other positions (such as standing committee or community board chairs).

Final determination for 2010-2011

The Authority will shortly be sending out details of the 2010/11 indicative pools to apply from the elections until 30 June 2011, including the gross sum set for mayoral remuneration. At the same time the Authority will send out forms:-

1. Requesting your recommendations for the remuneration of members of the newly elected councils and community boards.
2. Requesting details of arrangements for provision of Mayoral cars.
3. Requesting details of the council's expenses and allowances policy for review and approval.

The adjustments finally approved by the Authority for specified positions (such as committee chairs and spokespersons) will be backdated to the date at which those committees are established and councillors are appointed to such positions. Any increase in the base remuneration for councillors or community board members will also be backdated to the date of their taking up office.

You will be aware that the issuing of a determination takes some time, and the Authority is dependent on the Office of the Parliamentary Counsel for the preparation of the determination in its final form. We therefore urge council officers to schedule meetings of councils, committees and community boards, to support the establishment of the appropriate remuneration packages, as early as possible after the election.

As in 2007/2008, it will probably be necessary for the Remuneration Authority to issue a series of determinations, each covering a group of councils, as the final recommendations are processed.

Should you have further questions, please contact the Authority directly.

Yours sincerely



Angela Foulkes
Deputy Chairman

2010/245



Local Government Elected Members (2010/11) (Except Auckland) Determination 2010

Pursuant to clause 6 of Schedule 7 of the Local Government Act 2002 and to the Remuneration Authority Act 1977, the Remuneration Authority makes the following determination (to which is appended an explanatory memorandum).

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Schedule 1

**Remuneration, expenses, and allowances of members
of regional councils**

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Schedule 2

**Remuneration, expenses, and allowances of members
of district councils, city councils, and community
boards**

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Determination

- 1 Title**
This determination is the Local Government Elected Members (2010/11) (Except Auckland) Determination 2010.
- 2 Commencement**
This determination comes into force, for each of the local authorities and community boards specified in Schedules 1 and 2, on the day on which the successful candidates in the 2010 local body elections come into office under section 115 of the Local Electoral Act 2001.
- 3 Expiry**
This determination expires on the close of 30 June 2011.
- 4 Interpretation**
In this determination, unless the context otherwise requires,—
Act means the Local Government Act 2002
city council means a city council named in Part 2 of Schedule 2 of the Act and Schedule 2 of this determination
community board means a community board established under section 49 of the Act and named in Schedule 2 of this determination

**Local Government Elected Members
(2010/11) (Except Auckland)
Determination 2010**

Schedule 2 2010/245

Waikato Regional Council

Office	Annual salary (\$)
Chair	137,228
Councillor	34,650

Chair car
Full private use

Wellington Regional Council

Office	Annual salary (\$)
Chair	147,838
Councillor	43,000

Chair car
Full private use

West Coast Regional Council

Office	Annual salary (\$)
Chair	66,990
Councillor	20,800

Chair car
N/A

Schedule 2 cl 6

**Remuneration, expenses, and allowances
of members of district councils, city
councils, and community boards**

Ashburton District Council

Office	Annual salary (\$)
Mayor	79,200
Councillor	14,030

Mayoral car
N/A

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Meeting – 26 October 2010
 Prepared by: Chris Ingle – Chief Executive
 Date: 11 October 2010

Subject: **APPOINTMENT OF COUNCIL REPRESENTATIVES TO OTHER COMMITTEES**

There are a number of Committees and Groups that Council needs to make appointments to.

WEST COAST EMERGENCY MANAGEMENT GROUP

This Group is a joint committee of the four Councils. The constitution of the Group is attached.

The Council Chairperson needs to be appointed as Chair of the West Coast Emergency Management Group. The legislation allows for the appointment of an alternate.

The Council Chair also needs to be appointed as the Council representative under the Civil Defence Emergency Management Act with the capacity to declare a state of emergency within the West Coast Region. An alternate can be appointed.

RECOMMENDATION

- i. That the Council Chair be appointed to the West Coast Emergency Management Group.*
- ii. That the Deputy Chair be appointed as his alternate.*
- iii. That the Council Chair be appointed as the Council representative under the Civil Defence Emergency Management Act with the capacity to declare a State of Emergency within the West Coast Region.*
- iv. That the Deputy Chair be appointed as his alternate.*

REGIONAL TRANSPORT COMMITTEE

This Committee is a Committee of Council that is required under section 105 of the Land Transport Management Act.

By convention, the Council Chair and Deputy Chair have been appointed to this sub-committee of Council.

The Land Transport Management Act requires that the two Council appointees must be appointed Chair and Deputy Chair of the Committee.

RECOMMENDATION

That the Council Chair and Deputy Chair be appointed as Council representatives on the Regional Transport Committee.

That the Council Chair and Deputy Chair be appointed as Chair and Deputy Chair, respectively, of the Regional Transport Committee

GREYMOOUTH FLOODWALL JOINT COMMITTEE

This is a Joint Committee between Grey District Council and the West Coast Regional Council to deal with "coordinating the management of the maintenance of the Greymouth Floodwalls". Three representatives are appointed from each Council.

It has been usual to appoint the three Grey Constituency Councillors as the three West Coast Regional Council representatives.

RECOMMENDATION

That the three Grey Constituency Councillors be appointed as West Coast Regional Council representatives to the Greymouth Floodwall Committee.

REGIONAL ANIMAL HEALTH COMMITTEE

This is a committee organised by the Animal Health Board which meets regularly to consider Bovine Tb disease management and to give policy advice and feedback to the Board. In the past a Councillor with farming interests has been appointed.

RECOMMENDATION

That Councillor Robb be re-appointed to the Regional Animal Health Committee.

DEVELOPMENT WEST COAST

The four West Coast councils are responsible for jointly appointing a trustee to Development West Coast.

The process for appointing a trustee is set out in the Trust Deed, in Schedule 3. Each of the four councils must appoint a person to an "Appointments Panel". The previous Deputy Chairman Peter Ewen had initially been asked to serve on the Appointments Panel. However Mr Ewen recently decided to resign his place on the Appointments Panel.

It is therefore recommended that the Council appoint the Council Chairman to the DWC Appointments Panel, noting that the three Mayors make up the other members of this Panel.

Once appointed to the panel, the Trust Deed states that the appointee must act independently and is not responsible to the Council that appointed him. The appointee holds his position until he resigns or until the Council removes him from the panel.

RECOMMENDATION

That Council appoint the Council Chairman to the DWC Appointments Panel, pursuant to Schedule 3 of the Trust Deed.

Chris Ingle
Chief Executive

**WEST COAST CIVIL DEFENCE EMERGENCY
MANAGEMENT GROUP**

CONSTITUTING AGREEMENT

Parties

THE WEST COAST REGIONAL COUNCIL

BULLER DISTRICT COUNCIL

GREY DISTRICT COUNCIL

&

WESTLAND DISTRICT COUNCIL

MAY 2003

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CONSTITUTING AGREEMENT

WEST COAST CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP

PART 1 - FORMATION

1. PARTIES

1.1 Each of the following local authorities is a party to this agreement and a member of the West Coast Civil Defence Emergency Management Group (West Coast CDEMG):

- West Coast Regional Council
- Buller District Council
- Grey District Council and
- Westland District Council

2. DEFINITIONS

In this agreement:

- 2.1 "Act" means the Civil Defence Emergency Management Act 2002.
- 2.2 "The West Coast Region" means the western part of the South Island of New Zealand comprising of the three constituent territorial authorities of Buller District, Grey district and the Westland District.
- 2.3 "Co-ordinating Executive Group" means the Co-ordinating Executive Group to be established under clause 17 of this agreement.
- 2.4 "Regional Council" means the West Coast Regional Council.
- 2.5 "Group" means the West Coast Civil Defence Emergency Management Group (West Coast CDEMG).
- 2.6 "Group Controller" means a person appointed under clause 12.1(a) of this agreement as a group controller.
- 2.7 "Member" means a Local Authority that is a member of the Group or any civil defence emergency management group, as the context may require.
- 2.8 "Party" means a party to this agreement.

3. TERM OF AGREEMENT

- 3.1 This agreement shall commence once all the parties to this agreement have executed this agreement under common seal.
- 3.2 This agreement shall expire on the date on which the Act is repealed or on any other date specified in an enactment.
- 3.3 This agreement shall be reviewed immediately after any review of the Group Plan.

4. PURPOSE OF AGREEMENT

- 4.1** The purposes of this agreement are to:
- (a) provide for the establishment of the Group in fulfilment of the parties' obligations under section 12 of the Act; and
 - (b) set out the functions, powers, and duties of the Group and members; and
 - (c) provide for the administrative arrangements of the Group.

5. FORMATION AND MEMBERSHIP OF THE GROUP

- 5.1** Pursuant to section 12 of the Act, the parties, must unite in appointing the Group as a joint standing committee under the provisions of section 114S of the Local Government Act 1974 (and Schedule 7 Section 30(1) of the Local Government Act 2002 which comes into force on 1 July 2003), and by each member authority passing a resolution to that effect prior to 1 June 2003.
- 5.2** The Joint Standing Committee will be known as the West Coast Civil Defence Emergency Management Group.
- 5.3** Under section 13(1) of the Act every party to this agreement must be a member of the Group.
- 5.4** The members of the Group will be the West Coast Regional Council and all those territorial authorities that lie wholly within the boundaries of the West Coast Region. Each member is to be represented on the Group by one person only, being the mayor/chairperson of that local authority or an alternate representative who has been given the delegated authority to act for the mayor/chairperson.
- 5.5** An alternate representative must be an elected person from that territorial authority under section 13(4) of the Act.
- 5.6** Under section 114S(4) of the Local Government Act 1974 (and schedule 7 Section 30 (9) of the Local Government Act 2002) the powers to discharge any representative on the Group and appoint his or her replacement shall be exercisable only by the member that appointed the representative.

6. REPRESENTATIVES TO HAVE FULL DELEGATED AUTHORITY

- 6.1** Each member agrees to confer full-delegated authority on its representative (and alternate representative) to the Group to exercise the functions, powers, and duties of members under sections 16 and 17 of the Act.
- 6.2** At meetings of the Group each member's representative is to have full authority to vote and make decisions on behalf of that member without further recourse to that member.

7. REQUIREMENT TO MAINTAIN THE GROUP

- 7.1** In accordance with section 12(2) of the Act, section 114P(5) of the Local Government Act 1974 (and Schedule 7 Section 30(5)(b) of the Local Government Act 2002) must not be read as permitting any member to discharge or reconstitute the Group.
- 7.2** Upon members' representatives on the Group being discharged under section 114R(3) of the Local Government Act 1974 (and Schedule 7 Section 30(9) of the Local Government Act 2002), members shall as soon as practicable appoint

representatives to the Group with the same delegated functions, duties and powers as their predecessors.

Part II - POWERS, FUNCTIONS AND DUTIES

8. POWERS OF THE GROUP

- 8.1** Pursuant to section 18 of the Act, the Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions to members, the Group Controller, or any other person.
- 8.2** Without limiting the generality of clause 8.1 of this agreement, the Group may –
- (a) recruit and train volunteers for civil defence emergency management tasks; and
 - (b) conduct civil defence emergency management training exercises, practices, and rehearsals; and
 - (c) issue and control the use of signs, badges, insignia, and identification passes authorised under the Act, regulations made under the Act, or its civil defence emergency management plan; and
 - (d) provide, maintain, control, and operate warning systems; and
 - (e) provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency; and
 - (f) exercise any other powers that are necessary to give effect to its civil defence emergency management plan.

9. FUNCTIONS OF THE GROUP

- 9.1** In accordance with section 17 of the Act, the functions of the Group, and of each party as a member of the Group, are to –
- (a) in relation to relevant hazards and risks, –
 - (i) identify, assess, and manage those hazards and risks; and
 - (ii) consult and communicate about risks; and
 - (iii) identify and implement cost-effective risk reduction.
 - (b) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in the West Coast region; and
 - (c) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in the West Coast region; and
 - (d) respond to and manage the adverse effects of emergencies within the West Coast; and
 - (e) carry out recovery activities; and
 - (f) when requested, assist other civil defence emergency management groups in the implementation of civil defence emergency management

in their areas (having regard to the competing civil defence emergency management demands within the West Coast and any other requests for assistance from other civil defence emergency management groups); and

- (g) work proactively and cooperatively with Local Authority neighbours to the West Coast CDEM Group area, and CDEM groups formed by those authorities, in CDEM planning and management; and
- (h) within the West Coast region, promote and raise public awareness of, and compliance with, the Act and legislative provisions relevant to the purpose of the Act; and
- (i) monitor and report on compliance within the West Coast region with the Act and legislative provisions relevant to the purpose of the Act; and
- (J) develop, approve, implement, and monitor the West Coast Emergency Management Group plan and regularly review the plan; and
- (k) participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan; and
- (l) promote civil defence emergency management within the West Coast that is consistent with the purpose of the Act.

9.2 The Group also has any other functions that are conferred or imposed by or under the Act or any other enactment.

9.3 For the purposes of clauses 9.1(i) to (k) of this agreement, legislative provisions relevant to the purpose of the Act include, but are not limited to, the provisions in the following Act that may be relevant to civil defence emergency management;

- (a) Biosecurity Act 1993; and
- (b) Building Act 1991; and
- (c) Fire Service Act 1975; and
- (d) Forest and Rural Fires Act 1977; and
- (e) Hazardous Substances and New Organisms Act 1996; and
- (f) Health Act 1956; and
- (g) Health and Safety in Employment Act 1992; and
- (h) Local Government Act 1974 & Local Govt Act 2002; and
- (i) Maritime Transport Act 1994; and
- (j) Resource Management Act 1991; and
- (k) any enactment passed in substitution for any of the Acts in paragraphs (a) to (j).

10. RESPONSIBILITIES OF MEMBERS

10.1 Each member of the Group will:

- (a) appoint one elected representative each to the Group in accordance with clauses 5.4 and 7 of this agreement (section 13(4)0; and
- (b) appoint its chief executive officer or senior manager to the Coordinating Executive Group (CEG) (section 20); and
- (c) participate in the preparation of and agree the civil defence emergency management group plan for the West Coast region (Section 17(1)(i)); and
- (d) contribute technical expertise and resources to maintain an effective group and local level response capability (17(1)(b) and (c)); and
- (e) provide to the Group the information or reports that may be required by the Group for emergency management purposes (17(1)(c)).

10.2 Each territorial authority member of the Group will:

- (a) *be responsible for the reduction, readiness, response and recovery arrangements required of it under the Act and the civil defence emergency management group plan, to the standards agreed by the Group; and*
- (c) pursuant to section 223D of the Local Government Act 1974 (an Section 95 of the Local Government Act 2002), provide adequate information to their communities each year, by way of their annual plan, informing them of the planned activities of the CDEM Group and any significant implications for the community.

11. POWERS OF MEMBERS

11.1 Pursuant to sections 16 and 18 of the Act, each member of the Group may:

- (a) acquire, hold, and dispose of real or personal property for the use of the Group; and
- (b) remunerate its representative or alternate representative on the Group for the cost of that person's participation in the Group; and
- (d) exercise any powers or functions conferred on a member under the Act.

12. DUTY TO APPOINT GROUP CONTROLLER

12.1 In accordance with section 26 of the Act, the Group must appoint:

- (a) a suitably qualified and experienced person to be the Group Controller for the West Coast region; and
- (b) a suitably qualified and experienced person to exercise the functions, powers and duties of the Group Controller in the event of a vacancy in or absence in the office of Group Controller.

12.2 A person appointed under clause 12.1 of this agreement shall have the functions set out in section 28 of the Act.

13. APPOINTMENT OF LOCAL CONTROLLERS

13.1 In accordance with section 27(1) of the Act, the Group may appoint one or more persons to be a Local Controller.

13.2 It is the intention of the Group that, unless a territorial authority indicates otherwise, Local Controllers will be appointed for each territorial authority in the Group.

14. DUTY TO APPOINT PERSON WHO MAY DECLARE STATE OF LOCAL EMERGENCY

14.1 In accordance with section 25 of the Act, the Group must appoint at least one representative of a member of the Group as a person authorised to declare a state of local emergency for the West Coast Region.

14.2 In accordance with section 25(5) of the Act, the Mayor of a territorial authority or an elected member of the territorial authority designated to act on behalf of the Mayor or if the Mayor is absent, may declare a state of local emergency that covers the district of that territorial authority.

PART III – ADMINISTRATION

15. DUTY TO PREPARE, APPROVE AND REVIEW WEST COAST CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP PLAN

15.1 The Group must prepare and approve a civil defence emergency group plan within two years of constituting the Group, under section 54 of the Act, and commence a review of that plan at least every 5 years thereafter, under section 56 of the Act.

16. EMERGENCY MANAGEMENT OFFICE

16.1 West Coast Civil Defence Emergency Management Group will determine the need for and establish if necessary an Emergency Management Office on the West Coast.

16.2 The Emergency Management Office may carry out such functions as are assigned to it by the Group, but must not carry out any functions of the administering authority under the Act.

16.3 West Coast Civil Defence Emergency Management Group will employ staff for the Emergency Management Office in accordance with the principles of the Local Government Act 1974 and its amendments.

17. CO-ORDINATING EXECUTIVE GROUP

17.1 In accordance with section 20 of the Act the Group will establish and maintain a Co-ordinating Executive Group consisting of:

(a) *The chief executive officer of each member or a senior person acting on the person's behalf; and*

(b) a senior representative of the police assigned for the purpose by the Commissioner of Police; and

(c) a senior representative of the fire service assigned for the purpose by the National Commander; and

- (e) the chief executives of the district health boards on the West Coast representing the district health boards within the West Coast, or a person(s) acting on their behalf:
- (f) any other persons that may be co-opted by the Group.

17.2 The functions of the Co-ordinating Executive Group shall include:

- (a) *Providing advice to the Group and any committees or subcommittees of the Group; and*
- (b) Implementing as appropriate decisions of the Group; and
- (c) Overseeing the implementation, development, maintenance, monitoring, and evaluation of the civil defence emergency management group plan.

18. MEETINGS

18.1 The New Zealand Standard for model standing order (NZS 9202 : 2001), or any New Zealand Standard substituted for that standard, will be used to conduct Group meetings as if the Group was a local authority and the principal administrative officer of the administering authority was its principal administrative officer. Representatives of members of the Group may agree to use other standing orders only in accordance with section 19(1) of the Act.

18.2 The Group shall hold all meetings at such times and place(s) as agreed for the performance of the functions, duties and powers delegated under this agreement.

18.3 The West Coast Civil Defence Emergency Management Group meetings will only be held when the four (4) constituent members are present.

18.4 Pursuant to section 2.22.3 of the NZS9202, each member shall have one vote.

19. CHAIRPERSON AND DEPUTY CHAIRPERSON

19.1 On the constitution of the Group, following a local election, and in the event the Chairperson or Deputy Chairperson leaving their Group office, the members of the Group shall elect a Group Chairperson and Deputy Chairperson, under the provisions of section 114K of the Local Government Act 1974 (and Section 24 of schedule 7 of the Local Government Act 2002);

19.2 The Group's Chairperson and Deputy Chairperson will hold office for a term of three years or such a lesser period as may be determined by the Group. The term of office of an appointed chairperson or deputy chairperson ends if that person ceases to be a representative of a member of the Group.

20. CASTING VOTE

20.1 As general statements of principle, the following shall apply:

- (a) The casting vote is to be used in the best interests of the West Coast Region represented by members considered together; and
- (b) The casting vote is to be used in the best interests of all members considered together.

20.2 Members shall use their best endeavours to avoid use of a casting vote by obtaining consensus.

- 20.3** In the event of clauses 20.1 to 20.2 being unable to be applied, section 114J(1)(b) of the Local Government Act 1974 (and Section 24(1)(b)(i) of schedule 7 of the Local Government Act 2002) will apply, whereby the Chairperson will be able to exercise a casting vote mindful of the interests of all members of the Group.

21. ADMINISTERING AUTHORITY

- 21.1** Under section 23 of the Act the administering authority for the Group is the West Coast Regional Council.
- 21.2** Under section 24(2) of the Act the administrative and related services referred to in clause 21.1 of this agreement include services required for the purposes of the Local Government Act 1974, the Act, or any other Act, regulation, or bylaw that applies to the conduct of the joint standing committee under section 114S of the Local Government Act 1974 (and Section 30 Schedule 7 of the Local Government Act 2002).
- 21.3** The costs for the provision of administrative and related services that may be required of the administering authority under section 24 of the Act are to be included in the Group's annual budget.

22. FUNDING

- 22.1** Each territorial authority member of the Group will be responsible for funding the reduction, readiness, response and recovery arrangements required in its district.
- 22.2** The Group shall agree a budget every year. The budget shall be prepared by the Administering Authority and approved by the Group at a meeting conducted in accordance with clause 18 of this agreement.
- 22.3** The funding of the West Coast CDEMG budget will be agreed between the four (4) local authorities. The budget will include:
- (a) *Administering authority costs.*
 - (b) Emergency Management Office costs if necessary;
 - (c) Costs associated with the preparation and approval of a civil defence emergency management group plan;
 - (d) The costs of Group reduction, readiness, response and recovery activities as determined by the West Coast EMG; and
 - (e) Such other Group expenses as the Group may decide.
- 22.4** CEG and West Coast CDEMG meetings will be held on a rotational basis amongst the four local authorities based on the principle of costs lie where they fall basis.

23. ENTERING CONTRACTS

- 23.1** The parties agree that the West Coast Regional Council may exercise the functions, powers and duties of the Group in relation to contracts for the provision of (any) goods or services provided for in the Group budget.
- 23.2** The West Coast Regional Council will enter into contracts under clause 23.1 in its own name rather than the name of all members of the Group, notwithstanding that the contract is for the purposes of performing the functions, powers and duties of the Group.

- 23.3** Any financial liability that the West Coast Regional Council assumes under a contract entered into under clause 23.1 is to be met from the Group budget.
- 23.4** Pursuant to section 3 of the Public Bodies Contracts Act 1959, two officers of the West Coast Regional Council, one of whom is the chief executive or acting chief executive, may sign a contract entered into under clause 23.1.
- 23.5** Ownership of copyright in any reports commissioned by the West Coast Regional Council under clause 23.1 shall vest in the members jointly.
- 23.6** During a state of emergency contracts may be entered into on behalf of the Group by the persons set out in section 94(1) of the Act.

24. ARBITRATION

- 24.1** Any dispute arising out of the interpretation of this agreement, including any question regarding its existence, validity or termination, shall be referred to arbitration.
- 24.2** If the parties are unable to agree upon the appointment of a single arbitrator within five (5) working days of the receipt of written notification of the desire of a party to have a dispute arbitrated, or if any arbitrator agreed upon refuses or fails to act within fourteen days of his or her appointment then any party may request the President for the time of the Westland District Law Society to appoint an arbitrator and the arbitration shall be carried out in accordance with the Arbitration Act 1996.
- 24.3** In this clause time shall be of the essence and the parties agree to be bound by any decision, determination or award given pursuant to the provisions hereof.

25. VARIATIONS

- 25.1** In the event of any circumstances arising that were unforeseen by the parties at the time of entering into of this agreement the parties hereby record their intention that they will negotiate in good faith to add to or vary this agreement so to resolve the impact of those circumstances in the best interests of:
- (a) The members of the Group collectively; and
 - (b) The West Coast community represented by the members of the Group collectively.
- 25.2** Any member may propose a variation, deletion or addition to this agreement by putting the wording of the proposed variation, deletion or addition to a meeting of the Group.
- 25.3** Once a proposed variation, deletion or addition to this agreement has been put to the Group, this agreement is not amended until each member executes under common seal a written amendment to the agreement giving affect to the proposed variation, deletion or addition.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting 2010
 Prepared by: Chris Ingle – Chief Executive
 Date: 12 October 2010

Subject: **Rating District Liaison Committee Arrangements**

Background

The Council currently has 22 Rating Districts that fund river and flood protection works. Annual meetings of these ratepayers appoint a spokesperson and often a small committee to liaise with the Council engineer, inspect flood damage and discuss solutions, and liaise with other ratepayers. These Rating District 'committees' are not formally appointed by Council.

The Greymouth Joint Floodwall Committee differs to all other rating District structures in that it is a formal "joint committee" under the Local Government Act. This joint committee is formally constituted and appointments made to that committee by Council at every triennial meeting.

Rating District 'sub committees' and out-dated 'constitutions'

A previous Council administration (over twelve years ago) prepared 'constitution' documents for some of our rating districts. The constitution document for the Karamea Rating District suggests that the committee appointed by ratepayer attendees at the Rating District Annual Meeting is a subcommittee of Council. Other constitutions had similar wording.

A review of the Local Government Act 2002 and Standing Orders shows that a subcommittee must be appointed by Council (not by Rating District Annual Meeting attendees) and ceases to be a Committee of Council at the end of a triennium, unless re-appointed at the next triennial meeting. A Committee must contain at least one elected member of Council.

The so-called 'constitution' was formed under section 114 of the 1974 Local Government Act which was repealed in 2002. It refers to the rating district committee reporting to Council's "Operations and Rural Services Committee" which has not existed for many years. The 'constitution' essentially expired, some time ago.

Liaison Committees

Our neighbouring regional councils refer to their rating district local committees as "liaison committees". Such committees are more informal, which is in keeping with our current practice. It is recommended the West Coast Rating District committees be referred to as liaison committees from now on. They will continue to operate in the same way as they have been operating to date.

RECOMMENDATION

That all Rating District Committees be referred to as "Liaison Committees", other than the Grey Floodwall Joint Committee.

Chris Ingle
 Chief Executive

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Meeting – 26 October 2010
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 11 October 2010

Subject: **STANDING ORDERS**

1. Every Council is required to adopt a set of Standing Orders for the conduct of its Meetings and Committees. [Local Government Act 2002 – Schedule 7 Clause 27(1)]
2. The Council adopted NZS 9202 : 2003 Model Standing Orders on 25 October 2007.
3. Appendix H provides for the provision of a casting vote to the Chairperson.
4. An amendment, adoption or suspension of Standing Orders requires the vote of not less than 75% of the members present.

RECOMMENDATION

That Council adopt the Model Set of Standing Orders NZ S9202: 2003; including Appendix H.

Robert Mallinson
Corporate Services Manager.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Meeting – 26 October 2010
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 11 October 2010

Subject: **CODE OF CONDUCT**

The Local Government Act, Schedule 7, Clause 15, requires every local authority to adopt a Code of Conduct for its members.

I attach a copy of the existing Code of Conduct adopted by Council in 2003.

Any amendment or adoption of a new code requires a vote of not less than 75% of the members present.

It is considered best practice to define the Conduct Review Committee membership prior to any issues arising.

I recommend that page 7 of the existing Code of Conduct be amended to provide for a Conduct Review Committee comprising of the Chair, Deputy Chair and one other Councillor to be appointed by the Chair and Deputy Chair jointly.

RECOMMENDATION

That page 7 of the Code of Conduct be amended as indicated above, and shown in the attached document.

Robert Mallinson
Corporate Services Manager

Prepared for: Inaugural Meeting – 26 October 2010
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 11 October 2010

Subject: **GOVERNANCE STATEMENT**

Section 40 of the Local Government Act 2002 (LGA 2002) requires local authorities to prepare a Local Governance Statement. The existing Governance Statement was adopted by Council in December 2003.

Council is required to adopt a new Governance Statement within six months of the Triennial Elections.

Enclosed is a new Governance Statement updated where appropriate for changes since adoption in 2003.

RECOMMENDATION

That Council adopt the updated Governance Statement.

Robert Mallinson
Corporate Services Manager

Prepared for: Inaugural Meeting – 26 October 2010
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 11 October 2010

Subject: **SCHEDULE OF ORDINARY AND COMMITTEE MEETINGS**

Council has in the past held its monthly meeting on the 2nd Tuesday of each month.

Council will of course, select the date of the month that is most suitable to hold its meeting.

Attached is a schedule of proposed meeting dates should Council wish to continue with the current situation of holding its meeting on the 2nd Tuesday of each month.

RECOMMENDATION

That the proposed schedule of ordinary and committee meetings be agreed to.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

PROPOSED SCHEDULE OF MEETING DATES FOR 2011

ORDINARY MEETING AND RESOURCE MANAGEMENT MEETINGS

(Held 2nd Tuesday of the Month – Commencing at 10.30 a.m.)

2010	
November	8 th (Monday)
December	14 th
2011	
January	No Meeting
February	8 th
March	8 th
April	12 th
May	10 th
June	14 th
July	12 th
August	9 th
September	13 th
October	11 th
November	8 th
December	13 th