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**AGENDA AND SUPPORTING PAPERS FOR
THE FIRST MEETING OF THE WEST COAST REGIONAL COUNCIL
FOLLOWING THE 2016 TRIENNIAL ELECTION**

STARTING TIME: 11.00 am.

DATE: 17 OCTOBER 2016

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

THE WEST COAST REGIONAL COUNCIL

NOTICE is hereby given that the first meeting of THE WEST COAST REGIONAL COUNCIL following the 2016 triennial election will be held in the Council Chambers at 388 Main South Road, Greymouth commencing at 11.00 am, on Monday, 17 October 2016.

MICHAEL MEEHAN
CHIEF EXECUTIVE OFFICER

AGENDA

The meeting will be chaired by the Chief Executive Officer until a Chairman is elected.

ITEM	PAGE	BUSINESS
1.		Welcome and Apologies.
2.	1 – 2	Introductions. Reading aloud and signing the enclosed Declaration as required Schedule 7, Clause 14 of the Local Government Act 2002.
3.		Election of Chairman; then Deputy Chairman and Chair of Resource Management Committee; to be followed by the making and attesting of the Chairman's declaration.
4.	3	General Explanations of various legislation affecting members required by of the Local Government Act 2002.
5.	4	Declaration of Members Interests.
6.	5	Salaries Payable to Chairman and Councillors for the Interim Period Following the Election.
7.	6	Establishing Council Committees.
8.	7 – 16	Appointment of Council representatives to other Committees.
9.	17	Standing Orders.
10.	18	Councillors Code of Conduct.
11.	19	Governance Statement.
12.	20	Delegations Manual.
13.	21	Schedule of Ordinary Meetings.

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 17th day of October 2016.

Signature

Signed in the presence of

Michael Meehan
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 Chairman 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 17th day of October 2016.

Signature

Signed in the presence of

Michael Meehan
Chief Executive Officer

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting – 17 October 2016
 Prepared by: Robert Mallinson – Corporate Services Manager
 Date: 10 October 2016
 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.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting – 17 October 2016
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 10 October 2016
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.

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.

Each Elected Member to Declare their Personal Interests below:

Elected Member

Name(s) of Companies

.....

.....

Date

(Note: This Information is kept confidential)

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting – 17 October 2016
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 10 October 2016
Subject: **Salaries, Mileage and Allowances Payable to Councillors**

The current Remuneration Authority determination is as follows:

Chair: \$76,426
Deputy Chair: \$40,474
Councillors: \$34,917

Elected member salaries are paid monthly from the day after the day on which the official result of the election is declared by public notice.

All Councillors will be paid at the Councillor rate from 12 October till the date that the Chair and Deputy Chair are elected at the inaugural meeting of the new Council, on 17 October.

The Chair and Deputy Chair salaries will apply from the date of election of these positions at the inaugural meeting.

Mileage involved in attending Council meetings and other Council business is reimbursed at 74c/km for the first 5,000 km and at 37c/km for distances > 5,000 km. However there is a 30 km threshold. The first 30 km of the round trip from the member's home to Council to home is not reimbursed, in accordance with the Remuneration Authority determination.

A copy of the Elected Members Allowance and Reimbursement Policy which was approved by the Remuneration Authority on 26 July 2016 is attached.

RECOMMENDATION

That this report be received.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting 10 October 2016
 Prepared by: Michael Meehan – Chief Executive
 Date: 10 October 2016
 Subject: **Establishing Council Committees**

Background

The Council traditionally has had a single Standing Committee – the Resource Management Committee. The Council Committee structure is set out on page 19 and 20 of the Council’s LTP. Committee delegations are covered in the delegations manual.

Current Committees to be Re-constituted

1. The Resource Management Committee contains all members of Council plus appointees from the two Ngai Tahu runanga in the region (Ngati Wae Wae and Makaawhio).

The Resource Management Committee develops and facilitates consultation on all policies, plans and strategies on RMA matters, environmental management, biosecurity matters, transport matters and civil defence. The Committee oversees and directs the Council’s flood warning and environmental monitoring, consents processing and compliance monitoring.

2. The Regional Transport Committee is required by Section 105 of the Land Transport Management Act and must include two appointees of the Regional Council who must be appointed as Chair and Deputy Chair of that committee. The Act requires appointments be made from the Territorial Authorities in the region plus other agencies with transport-related functions.

The Regional Transport Committee oversees the implementation and review of the Regional Land Transport Strategy. It also considers other transport matters as required, in particular determining the priorities for transport improvements in the region.

3. The West Coast Emergency Management Group is a joint committee of the four West Coast Councils, required under the Civil Defence Emergency Management Act. This committee does not need to be re-constituted following an election, though appointees do need to be re-confirmed (see following report).
4. The Greymouth Joint Floodwall Committee is a Committee of both councils under the Local Government Act. The founding document is the Greymouth Floodwalls Joint Agreement signed by both the Grey District Council and the West Coast Regional Council.

The committee has the function of co-ordinating the regional council’s floodwall maintenance activities with GDC activities relating to floodwall access and amenity.

5. The Hokitika Seawall Committee is a Committee of both councils under the Local Government Act. The founding document is the Hokitika Joint Agreement signed by both Westland District Council and West Coast Regional Council.

RECOMMENDATION

That Council Formally Constitute the above Committees, for the 3 year term of the new Council.

Michael Meehan
Chief Executive

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting -
 Prepared by: Michael Meehan – Chief Executive
 Date: 10 October 2016
 Subject: **Appointment of Council Members to each Committee**

Council can now appoint elected members to the Committees that have been constituted.

1. Resource Management Committee

All elected members are normally appointed as members of this standing committee.

RECOMMENDATION

That all elected Councillors be appointed to the Resource Management Committee.

2. West Coast Civil Defence Emergency Management Group

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

Traditionally the chair and deputy chair are appointed to the Group. The Group normally meets quarterly at the same time as the quarterly Mayors and Chair forum.

The Civil Defence Group Plan notes that the Chair and Deputy Chair hold the power to declare a state of emergency within the West Coast Region.

RECOMMENDATION

That the Council Chair be appointed to the West Coast Civil Defence Emergency Management Group and the Deputy Chair be appointed as the alternate.

3. Regional Transport Committee

This Committee of Council is required under section 105 of the Land Transport Management Act. By convention, the Chair and Deputy Chair have been appointed to this Committee. The Land Transport Management Act requires that the two Regional 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, as Chair and Deputy Chair, respectively, of the Regional Transport Committee

4. Greymouth Floodwall Joint Committee

This is a Joint Committee of both the Grey District Council and the West Coast Regional Council to deal with "coordinating the management of the maintenance of the Greymouth Floodwalls". Three elected 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 on the Greymouth Floodwall Committee.

5. Hokitika Seawall Joint Committee

This is a Joint Committee involving both the Westland District Council and the West Coast Regional Council. Three elected representatives are required from each Council.

RECOMMENDATION

That the two Westland Constituency Councillors plus the Council Chairman be appointed as West Coast Regional Council representatives on the Hokitika Seawall Joint Committee.

6. Regional Animal Health Committee

This is a committee organised by TB Free 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 McDonnell be re-appointed to the Regional Animal Health Committee.

7. Development West Coast Appointments Panel

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".

It is 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 the Council Chairman be appointed to the DWC Appointments Panel, pursuant to Schedule 3 of the Trust Deed.

Michael Meehan
Chief Executive

CONSTITUTING AGREEMENT

WEST COAST CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP

PART I - 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 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.
- 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 reviewing 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) above.

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)); and
- (b) appoint its chief executive officer or senior manager to the Co-ordinating 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
- (b) pursuant to section 223D of the Local Government Act 1974 (and 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
- (c) 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.

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:

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

- a) a senior representative of the police assigned for the purpose by the Commissioner of Police; and
- b) a senior representative of the fire service assigned for the purpose by the National Commander; and
- c) 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:
- d) 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 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 24(1)(b)(i) of schedule 7 of the Local Government Act 2002 will apply, whereby the Chair 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 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 the Group Plan;
 - (d) The costs of Group reduction, readiness, response and recovery activities as determined by the Group; and
 - (e) Such other Group expenses as the Group may decide.
- 22.4** CEG and Group 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 – 17 October 2017
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 10 October 2016
Subject: **Standing Orders**

Background

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)].

The Council has previously adopted New Zealand Standard NZS 9202: 2003 Model Standing Orders. A copy of NZS 9202 has been previously provided to each elected member.

Appendix H of NZS 9202 provides for the provision of a casting vote to the Chairperson, if desired. The existing status quo for the previous Council was that Clause H was not adopted.

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 NZS 9202: 2003; excluding Appendix H.

Robert Mallinson
Corporate Services Manager.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting – 17 October 2016
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 10 October 2016
Subject: **Code of Conduct**

Background

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, first 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.

RECOMMENDATION

That Council adopt the attached code of conduct.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting -17 October 2016
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 10 October 2016
Subject: **Governance Statement**

Background

Section 40 of the Local Government Act 2002 (LGA 2002) requires local authorities to prepare a Local Governance Statement. The existing Governance Statement (attached) was adopted by Council at the previous triennial meeting in October 2010.

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

RECOMMENDATION

That Council adopt the attached Governance Statement.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting – 17 October 2016
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 10 October 2016
Subject: Delegations Manual

A copy of the Delegations Manual (most recently reviewed and amended in May 2016) is included.

It is appropriate to ask Councillors to re-confirm Delegations at this Triennial meeting.

RECOMMENDATION

That the Delegations be re-confirmed.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting – 17 October 2016
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 10 October 2016
Subject: **Schedule of Ordinary and Committee Meetings**

Background

Council has traditionally held its monthly meeting on the 2nd Tuesday of each month, excluding January. The November meeting is normally the second Monday.

The November Council meeting is scheduled to be held on Monday 14 November and the December meeting is scheduled to be held on Tuesday 13 December.

The schedule of meeting dates for 2017 will be the subject of a workshop following today's meeting.

RECOMMENDATION

That Council confirms the November and December Council meeting dates.

Robert Mallinson
Corporate Services Manager