



Otorohanga Community Board

# AGENDA

28 October 2010

Members of the Otorohanga Community Board

Mrs EM Cowan  
Mrs A Laws  
Mr AG Ormsby  
Mr R Prescott  
Mr P Tindle  
Mr D Williams

Meeting Secretary: Mr CA Tutty (Governance Supervisor)

# OTOROHANGA COMMUNITY BOARD

28 October 2010

Notice is hereby given that an ordinary meeting of the Otorohanga Community Board will be held in the Council Chambers, Maniapoto St, Otorohanga on Thursday 28 October 2010 commencing at 4.00pm.

21 October 2010

**DC Clibbery**  
**CHIEF EXECUTIVE**

## AGENDA

### VISITOR ATTENDING THE MEETING

4.30pm Ian Richards - Total Leisure Concepts

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**PRESENT**

**IN ATTENDANCE**

**APOLOGIES**

**ITEMS TO BE CONSIDERED IN GENERAL BUSINESS**

**CONFIRMATION OF MINUTES - 5 OCTOBER 2010**

**REPORTS**

**Item-1            DECLARATION BY MEMBERS**

**To:**                **Chairperson and Members  
Otorohanga Community Board**

**From:**           **Chief Executive**

**Date:**            **28 October 2010**

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**Report Discussion**

Oral and written declarations to be made by each Member, pursuant to Clause 14 of Schedule 7 of the Local Government Act 2002.

Declarations will take the form below:

**Declaration by mayor or chairperson or member**

"I, AB, 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 [*region or district*], the powers, authorities, and duties vested in, or imposed upon, me as [*mayor or chairperson or member*] of the [*local authority*] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act

Dated at [*place*] this [*number*] day of [*month*] [*year*]

Signature:

Signed in the presence of:

CD, [*mayor or chairperson or member or chief executive of local authority*]"

**DC Clibbery**  
**CHIEF EXECUTIVE**

**Item-2                    ELECTED MEMBERS GENERAL EXPLANATION**

**To:                        Chairperson and Members  
                              Otorohanga Community Board**

**From:                    Chief Executive**

**Date:                    28 October 2010**

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**Report Discussion**

A general explanation to be given of the:

- a. Local Government Official Information and Meetings Act 1987;
- b. Local Authorities (Members Interests) Act 1968;
- c. Crimes Act 1961, Sections 99, 105 and 105A;
- d. Secret Commissions Act 1910;
- e. Securities Act 1978;
- f.            The Otorohanga District Council Code of Conduct; and
- g. The role and employment of the Chief Executive.
- h. Standing Orders adopted by Council NZS9202.2003
- i.            Key documents and processes of Council

**DC Clibbery**  
**CHIEF EXECUTIVE**

**Attachments**

- a. General Explanation to Elected Members
- b. Code of Conduct
- c. Role and employment of Chief Executive
- d. Standing Orders and meeting process issues
- e. Key Documents and Processes of Council

## **GENERAL EXPLANATION TO ELECTED MEMBERS OF CERTAIN STATUTES**

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

This Act was passed in 1987 to provide for the availability to the public of official information held by local authorities to promote the open and public transaction of business at meetings of local authorities, to provide access to such information, and to protect official information to the extent consistent with the public interest and the preservation of personal privacy.

The general principle is that information held by local authorities is to be made available unless there is a good reason for withholding it. Good reason for withholding such information exists where the giving of the information would be likely to prejudice the maintenance of the law, and the right to a fair trial, or to endanger the safety of any person, or where it is necessary to:

- protect privacy of natural persons;
- protect trade secrets or the commercial position of the person who supplied or is the subject of the information;
- avoid serious offence to tikanga Maori, or to avoid disclosure of the location of waahi tapu, in the case of various applications under the Resource Management Act 1991;
- protect information which is the subject of an obligation of confidence;
- avoid prejudice to measures protecting the health or safety of members of the public;
- maintain the effective conduct of public affairs through the free and frank expression of opinions, or through the protection of members, officers, and employees of any local authority from improper pressure or harassment;
- maintain legal professional privilege;
- enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;
- enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations;
- prevent the disclosure or use of official information for improper gain or improper advantage.

Any person may request information to be made available, and the decision must generally be made within twenty working days. A refusal to provide information may be appealed against to the Ombudsman. The Ombudsman's recommendation becomes binding unless the local authority decides otherwise.

It is also the duty of every local authority to publish and annually update a list of information about itself, its committees, its management structure, functions, meetings, documents, policy manuals and bylaws.

Meetings are to be publicly notified, and are to be open to the public unless there is a good reason for withholding information. Agendas are to be made available. The minutes of any meeting (not being a meeting or part of a meeting from which the public was excluded) are to be available for inspection by the public.

The Act also prescribes a procedure for obtaining detailed information about land (a Land Information Memorandum).

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

Any member of a local authority is not to vote on or take part in the discussion of any matter where that person has a direct or indirect pecuniary interest.

Where an incorporated company has a pecuniary interest in any matter before a local authority, a member of the local authority is deemed to have a pecuniary interest if:

- that person or his or her spouse own 10% or more of the capital of the company; or
- the member or his or her spouse is a member of the company, and either of them is the general manager (similar positions in a controlling company have the same effect);

There are various exceptions to this rule, including the following matters:

- any payment to a member where it is legally payable and the amount has already been fixed;
- any contract of insurance insuring members against personal accident;
- an election or appointment of a member to any office;
- a formal resolution to seal or complete a contract in accordance with a resolution already adopted;
- matters relating to a district scheme under the Resource Management Act;
- schemes under the Soil Conservation and Rivers Act;
- matters under the Public Works Act;

Any breach of the rule is an offence, which may be punished, a fine not exceeding \$100.00.

This Act also provides that no person is to be elected as a member of a local authority or appointed to be a committee if he or she has contracts with the local authority exceeding \$25,000.00 per annum.

### **Crimes Act 1961**

It is a crime for any official to accept, or offer to accept any bribe for himself or herself or any other person in respect of any Act done or omitted by that person in an official capacity.

It is also a crime for any official to corruptly use information acquired in his official capacity to obtain, directly or indirectly, any pecuniary advantage.

These crimes carry a maximum sentence of seven years imprisonment, and so are seriously regarded.

A bribe is defined as meaning “any money, valuable consideration, office, or employment, or any benefit, whether direct or indirect:.

It is also a crime for any one to offer a bribe with intent to influence any official. The maximum sentence for this crime is three years imprisonment.

### **Secret Commissions Act 1910**

It is also a criminal offence to give or receive, or solicit any gift or consideration of any kind as an inducement or reward for doing or forbearing to do anything on behalf of a principal.

For the purposes of this Act, a member of a local authority is its agent. This Act applies equally to officers and members of local authorities. The maximum penalty is two years imprisonment or a fine not exceeding \$1,000.00.

### **Securities Act 1978**

This statute regulates the offering of any securities (which includes a wide range of investments) to the public. Offers to the public must generally be in the form of a prospectus with prescribed information.



**ELECTED MEMBERS**

# **CODE OF CONDUCT**

## PART ONE: INTRODUCTION

Schedule 7 of the Local Government Act 2002 (the Act) requires each local authority to adopt a Code of Conduct. Once adopted, all elected members are required to comply with the code.

This Code of Conduct provides guidance on the standards of behaviour that are expected from the Mayor and elected members of the Otorohanga District Council. The code applies to elected members in their dealings with:

- each other;
- the Chief Executive;
- all staff employed by the Chief Executive on behalf of the Council;
- the media; and
- the general public.

This code also applies to members of the Otorohanga and Kawhia Community Boards.

The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local government of the Otorohanga District;
- the credibility and accountability of the Council within its community; and
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This Code of Conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in Part Two of this code);
- agreed general principles of conduct (recorded in Part Three of this code); and
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part Three of this code).

Elected members are primarily accountable to the electors of the district through the democratic process. However members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968.

The Code of Conduct that follows is based on the following general principles of good governance:

- ✓ Public Interest: Members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.
- ✓ Honesty and Integrity: Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- ✓ Objectivity: Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire district, not the ward that elected them.
- ✓ Accountability: Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- ✓ Openness: Members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions.

- ✓ Personal Judgement: Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- ✓ Respect for Others: Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or any disability. They should respect the impartiality and integrity of Council staff.
- ✓ Duty to Uphold the Law: Members should uphold the law, and on all occasions act in accordance with the trust the public places in them.
- ✓ Stewardship: Members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- ✓ Leadership: Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

## **PART TWO: ROLES AND RESPONSIBILITIES**

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor, and the role of the Chief Executive.

### **Elected Members**

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

- the development and adoption of Council policy;
- monitoring the performance of the Council against its stated objectives and policies;
- prudent stewardship of Council resources;
- employment of the Chief Executive;
- representing the interests of the residents and ratepayers of the Otorohanga District Council.

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the Council can only act by majority decisions at meetings. Each member has one vote. No individual member (including the Mayor) has authority to act on behalf of the Council, unless the Council has expressly delegated such authority.

### **Mayor**

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of Council. The Mayor also has the following roles:

- a presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);
- an advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of Council;
- providing leadership and feedback to other elected members; and
- as a Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members regarding making public statements and committing the Council to particular courses of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council.

## **Deputy Mayor**

The Deputy Mayor must be elected by the members of Council, at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members, but if the Mayor is absent or incapacitated the Deputy Mayor must assume all of the Mayor's responsibilities and duties, and may exercise the powers of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

## **Chief Executive**

The Chief Executive is appointed by the Council in accordance with Section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- Implementing the decisions of the Council;
- Providing advice to the Council and community boards;
- Ensuring that all of the responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised;
- Managing the activities of the local authority effectively and efficiently;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- Providing leadership for the staff of the local authority; and
- Employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

## **PART THREE: RELATIONSHIPS AND BEHAVIOURS**

This part of the code sets out the Council's agreed standards of behaviour. Some of the matters described in this part of the Code reflect other Legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the Code is material that the Council has decided to include of its own initiative.

### **Relationships with Other Members**

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. With this in mind elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected;
- are open and honest;
- focus on issues rather than personalities; and
- avoid aggressive, offensive or abusive conduct.

### **Relationships with Staff**

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

- recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive may hire, dismiss, instruct or censure an employee;
- make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times;

- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees);
- observe any guidelines that the Chief Executive puts in place regarding contact with employees;
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee;
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee; and
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Chief Executive Performance Review Committee.

Elected members should be aware that failure to observe this portion of the Code of Conduct could compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

### **Relationships with the Community**

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council, have their concerns listened to, and deliberated on in accordance with the requirements of the Act

Members should act in a manner that encourages and values community involvement in local democracy.

### **Contact with the Media**

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council. From time to time individual members will be approached to comment on a particular issue either on behalf of Council, or as an elected member in their own right. This part of the code deals with the rights and duties of Councillors when speaking to the media on behalf of Council, or in their own right.

The following rules apply for media contact on *behalf of Council*:

- The Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent, any matters will be referred to the Deputy Mayor. The Chief Executive Officer may be the first point of contact for general information.
- The Mayor may refer any matter to the Chief Executive for their comment.
- No other member may comment *on behalf of Council* without having first obtained the approval of the Mayor.

Elected members are free to express a *personal* view in the media, at any time, provided the following rules are observed:

- Media comments must not state or imply that they represent the views of Council.
- Where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view.
- Media comments must observe the other requirements of the Code of Conduct, e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.

### **Confidential Information**

In the course of their duties members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member.

Elected members should be aware that failure to observe these provisions could impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation.

### **Conflicts of Interest**

Elected members must be careful that they maintain a clear separation between their personal interests and their duties as an elected member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Members therefore need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest. Members must declare their interests at Council meetings where matters in which they have a pecuniary interest arise.

Members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify the Council of the nature and extent of any interest, including:

- any employment, trade or profession carried on by the member or the member's spouse for profit or gain;
- any company, trust, partnership etc for which the member or their spouse is a director, partner, trustee or beneficiary;
- the address of any land in which the member has a beneficial interest and which is in the Otorohanga District;
- the address of any land where the landlord is the Otorohanga District Council and:
  - the member or their spouse is a tenant, or
  - the land is tenanted by a firm in which the member or spouse is a partner, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary;
- any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member.

If the member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the member may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by Council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

## **Standing Orders**

Elected members must adhere to any standing orders adopted by Council under the Local Government Act 2002. These standing orders are subject to the same legal requirements as a Code of Conduct with regard to their adoption and amendment.

## **Ethics**

Otorohanga District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- Claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination.
- Not influence, or attempt to influence, any Council employee to take actions that may benefit the member, or the member's family or business interests.
- Not use Council resources for personal business (including campaigning).
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position.
- Notify the Chief Executive if any gifts are accepted.
- Where a gift to the value of **\$500** or more is offered to a member, immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

## **Disqualification of Members from Office**

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years imprisonment, if they cease to lose their status as an elector or if they have been found to have breached certain sections of the Local Authorities (Members' Interests) Act 1968.

Under the Local Government Act 2002, local authorities, when adopting a Code of Conduct, must consider whether or not they will require members to declare whether they are an undischarged bankrupt. This Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general. The Council therefore requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.

## **PART FOUR: COMPLIANCE AND REVIEW**

This part deals with ensuring that elected members adhere to the Code of Conduct and mechanisms for the review of the Code of Conduct.

### **Compliance**

Elected members are bound to comply with the provisions of this Code of Conduct (Local Government Act 2002, Schedule 7, section 15(4)).

Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members. Short explanations of the obligations that each of these has with respect to conduct of elected members is attached in the Appendix to this code.

Compliance will be monitored by a Conduct Review Committee, comprising of the Mayor, Deputy Mayor and Councillor. This committee will be constituted at the first meeting after the triennial elections.

All alleged breaches of the code will be reported to the above committee. Any allegation of a breach of a Code of Conduct must be in writing, make a specific allegation of a breach of the Code of Conduct, and provide corroborating evidence.

The committee will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the committee will notify the elected member(s) in writing of the complaint and explain when and how they will get the opportunity to put their version of events.

The Council will consider the report in open meeting of Council, except where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of a member of staff or of the general public.

### **Responses to Breaches of the Code**

The exact nature of the action the Council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968.
- breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage.
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the Council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the Council may take the following action:

- censure;
- removal of the elected member from Council committees and/or other representative bodies;
- dismissal of the elected member from the position as Deputy Mayor.

A decision to apply one or more of these actions requires a Council resolution to that effect.

### **Review**

Once adopted, a Code of Conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code. Once adopted, amendments to the Code of Conduct require a resolution supported by 75 per cent or more of the members of the Council present.

Council will formally review the code as soon as practicable after the beginning of each triennium.

## **APPENDIX TO THE CODE: LEGISLATION BEARING ON THE ROLE AND CONDUCT OF ELECTED MEMBERS**

This is a summary of the legislation requirements that have some bearing on the duties and conduct of elected members.

### **Local Authority (Members' Interests) Act 1968**

This Act regulates situations where a members' personal interests impinge, or could be seen as impinging, on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest.

Members may contact the Audit Office for guidance as to whether that member has a pecuniary interest, and if so, may seek an exemption to allow them to participate or vote on a particular issue. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

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

The Local Government Official Information and Meetings Act 1987 sets out a list of meeting procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the chair has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another elected member is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about the Council, other elected members, any employee of the Council or any member of the public.

### **Secret Commissions Act 1910**

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or fined up to \$1000, or both. A conviction would trigger the ouster provisions of the Local Government Act 2002.

### **Crimes Act 1961**

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; or
- use information gained in the course of their duties for their, or another persons, monetary gain or advantage.

These offences are punishable by a term of imprisonment of 7 years or more. Elected members convicted of these offences will also be automatically ousted from office.

### **Securities Act 1978**

The Securities Act 1978 essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

## **ROLE OF CHIEF EXECUTIVE OFFICER**

The position of Chief Executive Officer is appointed by the Council in accordance with Section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of Section 42 of the Act, the responsibilities of the Chief Executive are -

- i. "implementing the decisions of Council
- ii. providing advice to the Council and Community Boards
- iii. ensuring that all of the responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or Bylaw are properly performed or exercised.
- iv. managing the activities of the Local Authority effectively and efficiently.
- v. maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Local Authority.
- vi. providing leadership for the staff of the Local Authority and,
- vii. employing staff on behalf of the Local Authority (including the negotiation of the Terms of Employment for the staff of the Local Authority)."

Members, should they have any queries, are requested to approach himself or the divisional Managers.

## **EMPLOYMENT OF CHIEF EXECUTIVE OFFICER**

The Current Chief Executive is subject to an employment agreement which has an initial three year term expiring on 30 June 2011. The Local Government Act 2002 does however permit Council to appoint the incumbent for a second term not exceeding two years on the expiry of the first term of appointment.

The Council will need to resolve - prior to 30 June 2011, and following a review of the incumbent Chief Executive's performance not less than 6 months before that date. - whether to appoint the incumbent Chief Executive to a second term, or to advertise the position.

Should Council wish to advertise, it would be prudent for the relevant process to commence in February 2011, to ensure that the new appointee can be in place by 30 June 2011.

## STANDING ORDERS AND MEETING PROCESS ISSUES

Council's Standing Orders describe the rules for how meetings of Council, Community Boards, Committees and Sub-Committees are conducted. At the meeting of Council on 29 January 2008, Council resolved as follows:

That the New Zealand Standard Model Standing Orders NZS 9202:2003 as amended at 1 March 2006 are adopted as the Council's Standing Orders, as from 1 March 2008, and shall apply to all meetings of the Council, its committees and sub-committees, and Community Boards subject to Cl. 2.5.1 (2) (b) and 3.14.2 (b) of the model being amended as follows –

*“in the case of equality of votes the Chairperson has the casting vote”*

Whilst the Standing Orders provide a formal structure that can be called upon where necessary, in practice, and in the interests of effective decision making, meetings of Council and the other elected bodies are typically conducted in a less formal, but nevertheless well controlled manner.

In recent times the following key guidelines have also been adopted by Council and the Boards in relation to meeting issues:

- Agendas for meetings will be sent out to members no earlier than 7 days prior to the meeting. Should the preparation of the agenda be late (which will be avoided if at all possible) then a copy of the agenda will be emailed to members where possible.
- Members are to read the meeting agenda prior to the meeting and should they have any significant issues or questions regarding the content of the report, then these should be raised with the relevant staff member(s) prior to the meeting.
- The existing standing orders set a time limit of 6 hours for the duration of all formal meetings, but a limit of 2 hours is proposed for Community Board meetings though the Chairman or Mayor may extend the time beyond this by means of a formal resolution.
- No time limit is placed on speakers at a meeting however the Chair is to be aware of the discussion and to ensure members stay with the topic being discussed, and that the discussion is effectively managed towards reaching a decision or other appropriate conclusion.
- A guideline time limit for staff presentations of reports at formal meetings shall be 5 minutes (based on the assumption that members have read the report) but presentations of around 10 minutes may be satisfactory where the issue under discussion is complex. Presentations in excess of 15 minutes are generally unacceptable, and matters requiring such extended staff presentations should instead be presented in workshop or committee situations.
- A resolution during the public part of a formal meeting shall be required to introduce any major items to be dealt with by resolution, if they are not on the agenda. The presiding member must give reason why the item is not on the agenda and why discussion cannot be delayed until the next meeting.
- A request for a deputation or presentation at a meeting must be lodged with the Chief Executive at least two working days before a meeting, and be approved by the presiding member. Not more than two members of a deputation may address the meeting - limit of 10 minutes in total.
- There is an expectation that matters brought up by members in general business are appropriate in that they do not relate to personal matters, or matters that might otherwise have been better resolved with staff outside of the meeting.
- A detailed minute taking style, which records the discussion underlying decisions, will be maintained.

## **Key Documents and Processes of Council**

The following is a summary of existing Council documents or processes with which Councillors are likely to be engaged:

### **Long Term Council Community Plan (LTCCP)**

This is the most significant document of Council. The LTCCP (now increasingly referred to as the Long Term Plan 'LTP') covers at least 10 years and identifies desired community outcomes - the things the community considers are important for its well-being describes Council's intended contribution to those outcomes - the activities the local authority will engage in (and why) and how those activities will be funded. The LTCCP is reviewed and prepared every three years.

The LTCCP is subject to public consultation and an extensive (and expensive) audit process. The LTCCP must meet a broad range of requirements imposed by the Local Government Act and auditor interpretation of that Act, that are intended to promote effectiveness, accountability and transparency in local government. It also includes a number of technically detailed policies that Council is required to adopt.

Unfortunately the extent and prescriptive nature of these requirements makes the LTCCP a substantial - for ODC more than 300 page - document that is very difficult for the casual reader to digest. Councils are also required to produce a summary of the full LTCCP document, which is intended to be more accessible for the general public.

The current LTCCP is in effect from the Period between July 2009 and June 2012. The process to review the LTCCP is ongoing, but is likely to substantially accelerate during the 12 to 15 months before July 2012.

### **Annual Plan**

The Annual Plan is a document which is prepared in each of the years between LTCCPs. It sets out the budget for the year, and the sources of funding for the year. It would normally be expected that the annual plan follows the relevant year in the LTCCP relatively closely.

Issues in respect of the 'reader friendliness' of this document are similar to those for the LTCCP. The annual plan is completed in the last quarter of the financial year.

### **Annual Report**

The annual report is an annual statement to the community of what was spent and the progress that was made over the year toward the outcomes identified in the Long-Term Council Community Plan and Annual Plan. The annual report is typically completed in September.

### **District Plan**

The District Plan provides objectives, policies and methods to achieve management of the effects cause by the use and development of natural and physical resources, in order to carry out the purpose of the Resource Management Act 1991 (RMA), which is to ensure sustainable management of natural and physical resources while avoiding, remedying or mitigating adverse environmental effects and providing for the well being of communities.

District plans are required to be reviewed every 10 years. The associated review process is a substantial exercise requiring extensive information gathering and consultation with potentially affected parties.

Council's first District Plan under the RMA was made operative in 1999, and a process to review the Plan commenced in late 2006. A new Proposed District Plan was released in September 2010, and submissions on this proposed plan are currently being received. It is envisaged that a new plan will become operative in 2012.

## **Asset Management Plans (AMPs)**

Technical documents which underpin the LTCCP by identifying the physical assets required by the LTCCP activities, and indicating how these assets will be provided, renewed, maintained, managed and funded to provide the target levels of service, taking account of potential changes in demand for these activities and level of service expectations.

ODC currently has AMPs for its Rooding, Water Services (water supply, wastewater, stormwater and flood protection) and Park, Reserves and Properties activities. These documents are updated as required, but with particular emphasis on updating prior to LTCCP review.

## **Solid Waste Management Plan**

Outlines how Council will conduct activities to manage solid waste within the District, including waste disposal, recycling and re-use activities. Updating requirements are as for the Asset Management Plans.

## **Governance Statement**

Outlines how Council makes decisions and promotes local democracy. Describes how Council communicates, cooperates and consults with the District's residents.

Is required to be updated within 6 months after each triennial election. An updated document will therefore be presented to Council in the near future.

## **Policy and Delegations Manual**

This document has two purposes, these being:

1. To list and provide some description of the policies the policies adopted by Council.
2. To outline how responsibilities, duties or powers are delegated by Council to specific staff or committees on its behalf. For practical reasons it is appropriate for Council to delegate its authority to act in relation to many matters to the staff of Council.

The Policy and Delegations manual is revised from time to time to reflect changes in policy, organisational structure and associated procedures. All changes to the manual require the formal approval of Council.

## **Bylaws**

Bylaws are locally applicable regulations that are made by Council for the following purposes.

- Protecting the public from nuisance
- Protecting, promoting and maintaining public health and safety
- Minimising the potential for offensive behaviour in public places

Otorohanga District Council has a small number of Bylaws, which include:

- Trade Waste Bylaw 2000
- Traffic Bylaw 2005
- Dog Control Bylaw 2004
- Stock Movement Bylaw 2006
- Liquor Bylaw 2007
- Water Services Bylaw 2007
- Stock Keeping Bylaw 2009

Bylaws must be periodically reviewed to assess if they are still appropriate. Council's bylaws are now subject to a 10 year review cycle. No bylaws are due for review in the near future.

## **Budget Estimates**

A budget estimates process is conducted each year (with Council involvement typically in February or March) to set budgets for the forthcoming financial year, and to revise (where appropriate) budgets for the following 9 years, to create a 10 year set of budget estimates that will align with the LTCCP and Annual Plan.

The budget estimates process will establish rates levels for the following year.

## **Management Accounts**

Management accounts indicate the current financial position of Council, its year to date expenditure on its various activities, and associated revenues. Management accounts are prepared on a quarterly basis.

## **Funding Policy Review**

This is a process to identify the most appropriate means by which each of the activities (or services) of Council will be funded. Within this process questions asked include:

- How are the benefits of the activity distributed between particular 'private' service users and the general public ?
- How directly should costs be attributed ?
- To what extent should costs be met by a particular community ?
- Will a funding model based on the assessed distribution of benefits create unacceptable unfairness or inequity ?
- To what extent should general rates, targeted rates or uniform annual charges be incorporated in a funding 'mix' ?

This process is carried out three yearly in conjunction with the LTCCP.

Council's current practice is to conduct such reviews in accordance with a three step process that was originally (but is no longer) a statutory requirement.

In the first step of this process a set of economic principles are established that link funding mechanisms to the groups or individuals that benefit from a service. In the second stage Council has the opportunity to apply a number of considerations to this process to ensure the decisions that are made are fair and equitable. The final stage of the process selects the funding tool that most efficiently and effectively achieves the desired allocation

## **Representation Review**

The form of elected representation within the District (including definitions of wards and communities and any subdivisions thereof and associated levels of representation) must be reviewed for every second triennial election.

This process is conducted by Council but is subject to public consultation. The Representation Review Process was last conducted in August 2006, prior to the 2007 triennial elections. It is suggested that it would be appropriate to carry out this process again during mid or late 2012.

### **Item-3                    ELECTION & DECLARATION OF CHAIRPERSON**

**To:**                    **Chairperson and Members  
Otorohanga Community Board**

**From:**                **Chief Executive**

**Date:**                **28 October 2010**

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#### **Executive Summary**

Clause 37 of Schedule 7 to the Local Government Act 2002 requires every Community Board to elect one member to be Chairperson.

#### **Staff Recommendation**

It is recommended that:

That the voting system to be used for the election of Chairperson and for the election or appointment of any other representative of the Otorohanga Community Board shall be System A, as described below.

#### **Report Discussion**

Clause 37 of Schedule 7 to the Local Government Act 2002 requires that every Community Board shall elect a Chairperson. The Schedule also specifies two alternative systems of voting, one of which must be adopted by resolution of the Board prior to any appointment (including the appointment of Board representatives) being made. The systems are as follows:

##### **System A**

- a. Requires that a person is elected or appointed if he or she receives the votes of a majority of the members present and voting; and
- b. Has the following characteristics:—
  - i. there is a first round of voting for all candidates; and
  - ii. if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
  - iii. if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
  - iv. in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

##### **System B**

- a. Requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
  - b. Has the following characteristics:
    - i. there is only 1 round of voting; and
    - ii. if 2 or more candidates tie for the most votes, the tie is resolved by lot.
-

It is recommended that System A be used, as the determination of an appointment by lot should be a last resort.

**DC Clibbery**  
**CHIEF EXECUTIVE**

**Item-4                    ELECTION OF DEPUTY CHAIRPERSON**

**To:                        Chairperson and Members  
                              Otorohanga Community Board**

**From:                    Chief Executive**

**Date:                    28 October 2010**

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**Executive Summary**

Clause 37 of Schedule 7 to the Local Government Act 2002 requires every Community Board to elect one member to be Deputy-Chairperson.

**Staff Recommendation**

It is recommended that:

The voting system to be used for the election of Deputy-Chairperson and for the election or appointment of any other representative of the Otorohanga Community Board shall be System A, as described below.

**Report Discussion**

Clause 37 of Schedule 7 to the Local Government Act 2002 requires that every Community Board shall elect a Deputy-Chairperson. The Schedule also specifies two alternative systems of voting, one of which must be adopted by resolution of the Board prior to any appointment (including the appointment of Board representatives) being made. The systems are as follows:

**System A**

- a. Requires that a person is elected or appointed if he or she receives the votes of a majority of the members present and voting; and
- b. Has the following characteristics:—
  - i. there is a first round of voting for all candidates; and
  - ii. if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
  - iii. if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
  - iv. in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

**System B**

- a. Requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- b. Has the following characteristics:
  - i. there is only 1 round of voting; and
  - ii. if 2 or more candidates tie for the most votes, the tie is resolved by lot.

It is recommended that System A be used, as the determination of an appointment by lot should be a last resort.

**DC Clibbery**  
**CHIEF EXECUTIVE**

**Item-5            APPOINTMENT TO COMMITTEES**

**To:                    Chairperson and Members  
                          Otorohanga Community Board**

**From:                Chief Executive**

**Date:                 28 October 2010**

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**Executive Summary**

Clause 30 of Schedule 7 to the Local Government Act 2002 allows Community Boards to appoint such committees, sub-committees, joint committees or other subordinate decision-making bodies as it considers appropriate.

**Report Discussion**

The Board's previous appointment to internal committees were -

- |   |           |
|---|-----------|
| a.    Parks & Reserves Committee  | 3 Members |
| b.    Works & Water Committee   | 3 Members |
| c.    General Purposed Committee  | 3 Members |
| <b>Note:</b> The Chairperson is an 'Ex Officio' Member of the above three committees. |           |
| d.    Housing for the Elderly Committee   | 2 Members |
| e.    Zero Waste Committee  | 1 Member  |
| f.    Residential Subdivision Committee   | 2 Members |

It has been suggested to Council that the Zero Waste and Residential Subdivision committees are no longer required, and that appointments to these committees may therefore not be necessary.

**DC Clibbery**  
**CHIEF EXECUTIVE**

**Item-6                    APPOINTMENT OF REPRESENTATIVES TO ORGANISATIONS & COMMITTEES**

**To:                        Chairperson and Members  
                              Otorohanga Community Board**

**From:                    Chief Executive**

**Date:                     28 October 2010**

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**Executive Summary**

Clause 30 of Schedule 7 to the Local Government Act 2002 allows Community Boards to appoint such committees, sub-committees, joint committees or other subordinate decision-making bodies as it considers appropriate.

**Report Discussion**

Suggested appointments are :

- |  |                                      |
|--|--------------------------------------|
| 1.    Waipa Catchment Liaison Sub-committee    | 1 Member                             |
| 2.    Civil Defence Emergency Management Group | 1 Member (2 <sup>nd</sup> Alternate) |

**DC Clibbery**  
**CHIEF EXECUTIVE**

**Item-7 OCB PROPOSED SCHEDULE OF ORDINARY MEETING DATES  
NOVEMBER 2010 - DECEMBER 2011**

**To: Chairperson and Members  
Otorohanga Community Board**

**From: Governance Supervisor**

**Date: 28 October 2010**

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**Executive Summary**

The proposed schedule of meeting dates for the period November 2010 to December 2011 to be considered and adopted.

**Suggested Recommendation**

It is recommended that:

The proposed schedule of ordinary meeting dates for the period November 2010 - December 2011.

**Report Discussion**

Pursuant to Clause 19 of the Seventh Schedule to the Local Government Act 2002, I hereby give notice of the time and date for the ordinary meetings of the Otorohanga Community Board and Otorohanga Community Board Committees for the period November 2010 to December 2011.

**PROPOSED SCHEDULE OF ORDINARY MEETING DATES OCTOBER 2010 - DECEMBER 2011**

<b>DATES</b>	<b>BOARD</b>	<b>DATES</b>	<b>COMMITTEES</b>
<b>Thursdays</b>	11 November 2010	<b>Wednesdays</b>	24 November 2010
	9 December 2010		22 December 2010
	10 February 2011 - <i>Estimates Workshop</i>		26 January 2011
	10 March 2011		23 February 2011
	14 April 2011		23 March 2011
	12 May 2011		27 April 2011
	9 June 2011		25 May 2011
	14 July 2011		22 June 2011
	11 August 2011		27 July 2011
	8 September 2011		24 August 2011
	13 October 2011		22 September 2011
	10 November 2011		28 January 2011
	8 December 2011		26 October 2011
			23 November 2011

**Times:** Committee Meetings will commence at **5.00pm**.  
Board Meetings will commence at **4.00pm**.

**Venue:** Otorohanga District Council building, Maniapoto Street, Otorohanga.

**Colin Tutty**  
**GOVERNANCE SUPERVISOR**

## **Item-8 MEMBERS REMUNERATION**

**To: Chairperson and Members  
Otorohanga Community Board**

**From: Chief Executive**

**Date: 28 October 2010**

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### **Executive Summary**

Results of a recent determination in respect of elected member remuneration are presented.

### **Staff Recommendation**

It is recommended that:

1. Remuneration for Board members (including the Chair and Deputy Chair) remains at current levels up to 30 June 2011.
2. That the Board re-affirms its agreement that any future increase in the remuneration pool that might be assigned to the Otorohanga Community Board will instead be assigned to the remuneration of Councillors.

### **Report Discussion**

The Remuneration Authority reviews the remuneration of elected members annually, with any resultant changes having effect from 1 July of each year.

In early 2010 the Remuneration Authority issued a determination in respect of the elected member remuneration pools for the period from July 1 2010 up to the election day for the 2010 local body elections. This determination was that there should be no change to the pool or mayoral remuneration relative to that set for the 2009/10 financial year.

The Remuneration Authority has recently issued a further determination in respect of the level of the remuneration pool and mayoral remuneration for remainder of the current (2010/11) financial year. This latest determination reflects a major review of mayoral remuneration, but does not reflect a major review of council and community board remuneration, which is currently underway, but not yet complete.

For this reason the Remuneration Authority has made no changes to the indicative remuneration pools (excluding mayoral positions) for the period to 30 June 2011.

With the level of the indicative pool for non-mayoral remuneration unchanged, the 'default' response would be to leave the remuneration of Otorohanga Community Board members unchanged, at the current levels shown below.

<b>Elected Position</b>	<b>Current Annual Remuneration</b>
Otorohanga Community Board Chair	\$9,500
Otorohanga Community Board Deputy Chair	\$7,952
Otorohanga Community Board Member	\$7,452

It is however noted that the continuing limited movement of the remuneration pool (and in this case a complete lack of movement) is preventing the implementation of a previously agreed strategy to re-address the balance of remuneration between Councillors and members of the Otorohanga Community Board, which currently appears to favour the Board.

The concept that this imbalance would be progressively addressed by primarily allocating future increases of the remuneration pool towards Councillor remuneration will however only become a reality if there are worthwhile pool increases to allocate, and to date this has not occurred.

It is however suggested that if the new Board continues to support this strategy of re-balancing remuneration, it might be appropriate to formally re-affirm this, through the second part of the recommended resolution.

Whilst there may be no change in the general remuneration pool at this time, in the most recent determination the Remuneration Authority did however indicate that it will shortly be advising Councils of new provisions for transport and communication allowances for elected members, which will hopefully positively address some of the issues that have been previously raised. A requirement of such new provisions will however be that Council has a well defined policy in respect to the expenses and allowances that are payable to elected members, and staff are currently preparing such a policy for presentation to Council in the near future.

**DC Clibbery**  
**CHIEF EXECUTIVE**

**Item-9                   OCB COMMITTEE MEETING MINUTES - 22 SEPTEMBER 2010**

**To:                       Chairperson and Members  
                              Otorohanga Community Board**

**From:                   Governance Supervisor**

**Date:                   28 October 2010**

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**Executive Summary**

The minutes of the meetings of the Parks & Reserves, Works & Water and General Purposes Committees held on 22 September 2010.

**Suggested Recommendation**

It is recommended that:

The minutes of the meetings of the Parks & Reserves, Works & Water and General Purposes Committees held 22 September 2010 be received and the recommendations contained therein adopted.

**CA Tutty**  
**GOVERNANCE SUPERVISOR**

**Attachments**

- a. Minutes of the meetings of the Works & Water and General Purposes Committees held 22 September 2010.

## **OTOROHANGA COMMUNITY BOARD**

### **Works & Water Committee**

**22 September 2010**

Minutes of a meeting of the Works & Water Committee held in the Committee Room, Maniapoto St, Otorohanga, on Wednesday 22 September 2010 commencing at 4.48pm.

#### **PRESENT**

Mrs L Cowan, Messrs T Jones, B McNeil, A Ormsby (attended 5.25pm), R Prescott and P Tindle.

#### **IN ATTENDANCE**

His Worship the Mayor Mr DF Williams Messrs D Clibbery (Chief Executive), R Chadwick (Engineering Manager) and CA Tutty (Governance Supervisor).

#### **LAND ADJACENT SEWER PONDS**

The Chief Executive summarised his report advising that, at the Council meeting of 14 September 2010 Cr Ormsby brought to Council's attention that land adjacent to the Otorohanga sewerage ponds is for sale, and that there might be virtue in consideration being given to the purchase of some or all of this land, and providing enhanced vehicle access to the ponds off Harpers Avenue. He said it was informally agreed by Council that this matter should be referred to the Board. Mr Prescott suggested that the Board move forward on the proposal and see what eventuates. The Chief Executive reported that the first approach would be to contact the Vendors Real Estate Agent. Mr McNeil referred to the attached plan of the area and suggested, should there be too many objections to the proposal then, in order to provide access, Council purchase part or all of the two lots on the left hand side before Lot 12.

Following further discussion Members agreed in principle to proceed and for the Chief Executive to make the necessary arrangements to investigate the options further.

#### **MANIAPOTO STREET INTERSECTIONS**

Representatives of the Otorohanga Business Association Messrs Peter Burton, Sean Lewis, and John Haddad attended the meeting. Members were informed that concern had been expressed in regards to the intersections with Maniapoto Street and the visibility difficulties with traffic coming out of the side streets. Members were advised that the white lines across the side streets are too far back in order to comfortably see up Maniapoto Street. The Engineering Manager advised that one option is to install 'blisters' on the edge of the side roads in order to force the Maniapoto Street traffic to stay out on the carriage way and also bring the white lines forward. He said it had been agreed to put the matter before the Otorohanga Business Association to see if they regard this as a problem. Mr Burton agreed there is a visibility problem at the various intersections. He thanked the Committee for allowing them to attend the meeting. He said his Committee has not had the opportunity to discuss the proposal however he agreed there is a problem and it would be desirable to come up with a resolution that would not be detrimental to the provision of parking. The Engineering Manager reported that the proposed blisters would be raised in order that traffic could not drive over them. Mrs Cowan agreed there is a problem which is aggravated by vehicles parking in the non-parking spaces. It was suggested that 'No Parking' be painted in these areas however, Members thought that vehicles would still park there regardless.

Mr Haddad felt that this is a regulatory matter that does need policing. He suggested that representatives of the Otorohanga District Council and Otorohanga Business Association approach the local Police to put in place a zero-tolerance to parking on yellow lines. He said a number of service/delivery vehicles use these spaces to park on. He said he was pleased to hear that no further parking spaces will be lost. Mr Haddad further reported that a number of vans, motor homes park adjacent to the side streets which hinders visibility. His Worship replied to Mr Haddad that the local Police will not be able to provide further enforcement. He said it was physically impossible to expect the local Police to walk the streets every day.

## **MR ORMSBY**

Mr Ormsby attended the meeting at 5.25pm.

Mr Tindle advised that the proposal had come from the Board and it had been agreed to keep the Otorohanga Business Association informed. He said the flow of traffic down Maniapoto Street was not a problem other than when vehicles are attempting to pass on the inside. Mr Haddad expressed concern that Transit would be retaining a record of the problems being experienced along Maniapoto Street. Mrs Cowan said the Board would not be able to advance any further this evening and suggested that the Otorohanga Business Association come back with their recommendations. Mr Burton replied that it would be desirable to reach a resolution that would not be a hindrance to people parking in Maniapoto Street.

The representatives of the Business Association then left the meeting.

His Worship acknowledged the retirement of Mr Tim Jones from the Board and wished him all the best for the future. He extended best wishes to those Members campaigning in the forthcoming Local Government elections. He said Council has been grateful for their assistance.

Mrs Cowan also expressed the Board's thanks to His Worship and Council for their active support.

## **DRAFT MANAGEMENT ACCOUNTS TO 30 JUNE 2010**

The Chief Executive took Members through the Otorohanga Community's Draft Annual Accounts to 30 June 2010. He said overall these accounts were 'pretty tidy'. Both the Chief Executive and Engineering Manager answered Members queries in regards to these accounts and in particular, identified reasons why there were over expenditures.

## **SKATE BOARD PARK UPGRADE**

The Engineering Manager advised that a sum of \$5,000 had been received from Trust Waikato in the previous year, to fund the upgrade. Mr Prescott informed Members that the cost was \$10,000 and it had been agreed that the remaining \$5,000 would be achieved by Community Fundraising. He said this fundraising was never carried out. The Chief Executive said it would be necessary to relocate the appropriate funds into the Parks & Reserves account.

### **Resolved**

That it be recommended to the Otorohanga Community Board that the shortfall of \$5,000 for the Skate Board Park upgrade be transferred from the Special Reserves Fund Account to Parks & Reserves.

### **Mrs Cowan / Mr Tindle**

## **SOUTH BANK WEED MATTING**

Members were informed that new weed matting has been ordered for the south bank and will be installed when the ground is drier. Mrs Cowan reported that the incorrect grade of matting had originally been put in place. She said the desired grade had been specified however this had not been received. Members expressed the opinion it was hoped that the correct specified weed matting had been ordered this time.

## **OTOROHANGA ART CENTRE CHARITABLE TRUST**

The Governance Supervisor presented a letter received from Mr Barry Marx, Trustee of the Otorohanga Art Centre Charitable Trust, confirming that the Centre has a insurance policy on the building and contents which is current and due for renewal in August 2011. He said the Insurer, State Insurance, does not request a schedule of contents however, the Library piano is included on their own list at \$3,500.

## **GRAFFITI**

Mr Ormsby reported that the placement of graffiti around the Community has accelerated. He advised of various positions around the Community which have appeared with graffiti and said there is a need for Council to be proactive.

Mrs Cowan referred to Community signage and said a number of these are looking very dirty. The Engineering Manager reported that Council's Contracts Engineer has had discussions with Transfield and that their regular cleaning campaign is due to happen.

The meeting closed at 6.00pm.

**OTOROHANGA COMMUNITY BOARD  
GENERAL PURPOSES COMMITTEE**

**22 September 2010**

Minutes of a meeting of the General Purposes Committee held in the Council Committee Room, Maniapoto St, Otorohanga, on Wednesday 22 September 2010 commencing at 4.05pm.

**PRESENT**

Mrs L Cowan, Messrs T Jones, B McNeil, R Prescott and P Tindle.

**IN ATTENDANCE**

His Worship the Mayor Mr DF Williams Messrs D Clibbery (Chief Executive), R Chadwick (Engineering Manager), M Gould (Roading Manager) and CA Tutty (Governance Supervisor).

**MITRE 10 - PARKING & ACCESS ISSUES**

The Chief Executive presented a report on an application received recently from Mitre 10 for a retrospective Landuse Consent which requested a waiver of requirements for on-site vehicle carparks. The Chief Executive informed Members that in considering the application there are two aspects that need to be considered, these being, parking spaces and heavy vehicle access. Mr Jones said there is a need to provide a sealed carpark and marked carparking spaces for the Customers of Mitre 10. The Roading Manager replied that under the Resource Management Act it is a requirement that the carparking spaces be marked however, the area need not be sealed. The Engineering Manager advised that Council would be within its rights to require the business to cease operation because of its inability to achieve compliance. His Worship replied he was not likely to see Council take that direction, it is a matter of working through the issues to arrive at a suitable resolution. The Roading Manager reported that the main issue is in respect to road safety with trucks having to reverse out of the site onto the roadway. Mrs Cowan expressed the opinion that it would not be desirable to deprive the Library of its existing parking spaces.

Mr Tindle queried how long-winded the process may be and believed as a business owner himself he would be upset with the current situation. He said it would be desirable to come to a suitable arrangement for the business owner. Mrs Cowan replied that the current business owner has not complied with the conditions therefore he has to put the situation right. Mr McNeil suggested that the business owner negotiate with the NZ Fire Service for three of their adjacent parking spaces and to allow three additional parking spaces on his property. Mrs Cowan suggested that the business owner be presented with the various options for his consideration and that he comes back to Council and deals with the appropriate staff. In reply to His Worship regarding a proposed timeframe, he was informed that the shorter period of time would be for a concept to be agreed to however, a longer period would be required to physically carry this out. It was agreed that in regards to any correspondence two copies be forwarded to the business owner.

Following further discussion it was agreed that the Chief Executive's options be forwarded to the business owner and for him to investigate obtaining permission from the NZ Fire Service or any other option he may think appropriate and to come back to Council within two to three months with a view to the matter being resolved by 1 December 2010 and the physical work completed by 1 December 2011.

The meeting closed at 4.47pm.

**Item-10            PROGRESS DRIVE FENCE**

**To:**                    **Chairperson and Members  
Otorohanga Community Board**

**From:**                **Engineering Manager**

**Date:**                **28 October 2010**

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**Executive Summary**

Recently, the Community Board requested that staff inspect the fences at the entrance to Progress Park and report on the cost of remedial / replacement work.

**Staff Recommendation**

It is recommended that:

The report be received.

**Report Discussion**

The existing fence was constructed approximately 12 years ago and consists of twin sections of fence, one each side of the entrance into Progress Drive. The fences are each 20 metres in length and generally curved around the road boundary splay. They are constructed of vertical 280mm x 150mm timber, 1.4 metre high (appears to be untreated macrocarpa) with a concrete mowing strip and a galvanised strap on the inside near the top of the posts. The northern fence has a galvanised pipe extension attached to it as part of the Giltrap Farm Machinery security fence. The southern fence is stand alone as the Barker property does not have road fencing.

All the posts are showing significant rotting particularly at ground level and also through their centres from the top down. The fence is however still sturdy and should last for another couple of years but will then require removal and if considered appropriate, replacement.

**Options**

- To remove the existing fence and replace with a similar structure but using treated timber has been estimated at \$8000 each side (a total of \$16,000 + GST). This would involve the stripping of the existing lettering, galvanised strapping and Giltrap Fencing and removal of all posts and concrete mowing strip. Then replace the posts and attachments and pour a new mowing strip.
- Variations to the design could be made using lighter timber however this may require additional posts and rails. If the existing lettering and Giltrap security fencing is to be re-used there would be little difference in cost as much of the expense is the labour and plant required to dismantle the existing fence and re-erect the new one with the attachments.
- Remove the 2 fences and replace with a "Progress Park" sign only to identify the industrial area. The removal of the fence would be relatively inexpensive however this would involve stripping the Giltrap fence first. The cost of the sign would depend on the size and design but it is suggested that this option could be in the order of \$5000. If the fence on the north side is not replaced, the Giltrap property would need to install new posts and netting to maintain their security fence. The attachment of the security fence was apparently with approval of the Community Board however I have been unable to

find any written agreement. Therefore it is unknown if there was any commitment by the Board to re-erect the security fence if the wooden fence is removed.

- Allow the wooden fence to remain until such time as it becomes unsightly or unstable and then remove. The Giltrap fence would be as per comments above.

No funding has been made in the current year's estimates which would be sufficient to allow for this work to proceed during 2010/11. Therefore if the Board wish to undertake any of the options shown, an item would need to be made in the estimates for either the Industrial Park or Otorohanga Property accounts in say 2011/12 or 2012/13.

**Roy Chadwick**  
**ENGINEERING MANAGER**

**Item-11            OTOROHANGA SWIMMING POOL REPORT 2009/10**

**To:**                **Chairperson and Members  
Otorohanga Community Board**

**From:**            **Engineering Manager**

**Date:**             **28 October 2010**

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**Executive Summary**

A report has been received from Total Leisure Concepts (NZ) Ltd on the operation of the Otorohanga Swimming Pool.

**Staff Recommendation**

It is recommended that:

The report be received.

**Report Discussion**

During discussions with Ian Richards of Total Leisure Concepts (NZ) Ltd it was agreed that there would be benefit to Members of the Community Board and Council if a regular update on the operations of the Otorohanga Swimming Pool was available. It was suggested that TLC provide a report at six or twelve monthly intervals setting out their achievements, proposals and comments for the operations over the report period and looking ahead. Ian Richards has now provided the first report for the 2009/10 year and this is attached for the Members information.

**Roy Chadwick**  
**ENGINEERING MANAGER**

**Attachments**

- a. Otorohanga Pool 2009-2010 Review

# Otorohanga Pool. 2009-2010 Review

## Summary Highlights

- Usage up by 21% on previous year
- Income down by 6.5% on 2008-2009
- Over 90% in Quarterly Performance
- Free Primary School Swimming as part of the Swim for Life Initiative
- Free Learn to Swim Bonus Swims
- Pool Safe Accreditation Audit Passed

## Casual Pool Usage

	2008/2009	2009/2010	Variance
<b>Pool Admissions</b>			
Adult swim	1,583	1,713	130
Child swim	4,787	4,249	- 538
Extra Child Fee	2		- 2
Family Swim Pass	22	11	- 11
P.W.D Swim	53	158	105
Senior swim	282	318	36
Student Swim	659	752	93
Under 4 Swim	670	640	- 30

# Casual Pool Usage

- Adult usage up 8%
- Nearly 300% increase of People with Disabilities usage
- Increase in CASUAL Student swimming
- Decrease in CASUAL Children swimming due to an Increase in Children Concession Cards and Free LTS bonus swims.

# Casual Aqua & Gym Usage

	2008/2009	2009/2010	Variance
<b>Aqua</b>			
Aqua Natal	3	0	- 3
Aqua Public	76	85	9
Aqua Snr	549	671	122
<b>Casual Gym</b>			
Casual Gym	254	150	- 104
Casual Student	96	204	108
Family workout deal	1	0	- 1
Treadmill	70	130	60
Green Card Prescription		3	3

# Casual Usage Aqua & Gym

- 22% increase in Casual Senior Aquacise
- Casual Gym Membership down
- Student Casual usage up
- Treadmill Only usage up over 90%
- Green Prescription Doctor Referral introduced

# Casual Aqua & Gym Usage

## LTS Swimming Lessons

	2008/2009	2009/2010	Variance
Child TSF 3plus	27	53	26
Child TSF Concession	246	243	- 3
Holiday Crash Courses	77	36	- 41
Pre School Learn 2 swim	162	149	- 13

## Concession and Membership Visits

	14065	19056	4,991
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## Usage LTS, Membership & Concessions

- Learn to Swim (LTS) has slipped back slightly.
- Pre School feedback largely centred around quality of and comfort of changing facilities.
- Concessions and Membership visits up by 35% largely due to better monitoring at Reception and free LTS bonus swims.
- Overall Visits up 21% on previous year

## INCOME (inc GST)

**2008 -2009:            \$97,930**

**2009 – 2010:         \$91,593**

**Variance:                -\$6,337**

# Comparisons

	Primary Catchment	Usage ex schools	Usage Inc schools	Usage Ratio per catchment ex schools	Usage Ratio per catchment inc schools
Matamata	10,000	25000	40000	2.5	4
Morrinsville	10,000	8000	8000	0.8	0.8
Te Kuiti	5,000	11500	22500	2.3	4.5
Otaki	5,500	10000	10000	1.8	1.8
Otorohanga	5,000	25500	28000	5.1	5.6
Waterworld	130000	507500	520000	3.90	4

# Comparisons

	Cost	Cost per month	Revenue	Revenue per month	Net Cost per Admittance per month (\$)	Net Cost per Catchment per month (\$)
Matamata	554,500	46208	134000	11167	1.40	3.50
Morrinsville	155000	25833	32000	5333	2.56	2.05
Te Kuiti	133000	22167	41000	6833	1.33	3.07
Otaki	392000	32667	80000	6667	2.60	4.73
Otorohanga	250000	20833	91000	7583	0.82	2.65

## 2010-2011

- No increase in casual admission prices
- Under 4's to Swim for Free (650 free swims)
- Swim for Life to continue (2500 free swims)
- Employ a Swim for Life Educator via Community Max
- LTS bonus free swims to continue (500 free swims)
- Otorohanga Swim Club to continue to use Saturday Mornings free of charge
- Introduction of Aerobic Classes
- Pool Safe Alarm System

**Item-12           OCB MATTERS REFERRED FROM 9 SEPTEMBER 2010**

**To:                   His Worship the Mayor and Councillors  
                          Otorohanga District Council**

**From:               Governance Supervisor**

**Date:               28 October 2010**

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**Executive Summary**

**1.   GENERAL PURPOSES COMMITTEE**

13 May 2010

- i.   To consider the request from the Te Kuiti & Districts Highland Band to play in the Parade and Service for the ANZAC Day Civic Ceremony in Otorohanga.

**2.   MR MCNEIL**

11 February 2010

- i.   To contact Mr David Bailey to arrange a time to look at the playing areas on the Domain to the right of the Pavilion, in conjunction with Council's Community Facilities Officer.

**3.   MR PRESCOTT**

9 September 2010

- i.   To receive costings in regard to bringing a possible pool structure up to the required safety standard.

**4.   ENGINEERING MANAGER**

9 September 2010

- i.   To arrange for all the lighting on the Village Green to be checked to ensure it is working correctly.

**CA Tutty**  
**GOVERNANCE SUPERVISOR**

**GENERAL**

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