

Creating the ultimate
living environment



WHANGAREI
DISTRICT COUNCIL

Notice of Meeting

A meeting of the Whangarei District Council will be held
in the Council Chamber, Forum North, Whangarei on:

**Wednesday
25 August 2010
10.00 am**

Committee

His Worship the Mayor (Chairperson)
Cr C B Christie
Cr V P D Cocurullo
Cr S J Deeming
Cr S M Glen
Cr A D Goodhew
Cr P R Halse
Cr S L Mai
Cr G M Martin
Cr B L McLachlan
Cr S L Morgan
Cr K J Sutherland
Cr W L Syers
Cr M R Williams

Vision Statement

To be a vibrant, attractive and thriving District
by developing sustainable lifestyles based around
our unique environment; the envy of New Zealand
and recognised world wide.

Call to order – all present rise for the Mayor
Opening Prayer
Apologies
Declaration of Conflicts of Interests

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Recommendations contained in the Council agenda are NOT Council decisions. Please refer to Council minutes for resolutions.

5. Council Decisions Following Local Government Elections

Reporting Officer: Jazz Singh (Democracy and Legal Services Manager)
Date: 6 August 2010

Local Government Act 2002 – The Four Well-Beings

Cultural: *Ensure continued CDEM support to Iwi if an emergency occurs.*
Economic: *To enable business continuity and to ensure continued CDEM support to the business sector if an emergency occurs.*
Environmental: *Ensure continued CDEM support to mitigate adverse effects to the environment if an emergency occurs.*
Social: *Ensure continued CDEM support to the community if an emergency occurs.*

Background

There is a period from the day the Electoral Officer makes the declaration (anticipated to be from 9 October to 13 October) when it will be necessary to have a process in place to enable urgent decisions to be made.

This report contains matters that are of a purely administrative nature.

Summary

The current Council will go out of office on the day following the Electoral Officers declaration. This is anticipated to be after noon, 9 October 2010 – 13 October 2010 depending on whether voting has been finalised.

The current council is able to make urgent decisions from Election Day (9 October 2010) until the day of the Electoral Officer's declaration of the result of the Election.

Urgent Council Decisions – Delegated Authority Chief Executive Officer

There will be a period of time between 9 October to 13 October until the convening of the meeting where the new Council is sworn in for the 2010 -2013 Triennium, pursuant to clause 14 (1)-(3) of Schedule 7 of the Local Government Act 2002, where neither the outgoing nor the new Council is empowered to make decisions. It is recommended that Council delegate its powers to the Chief Executive over this period.

Any use of the Chief Executive's delegation relating to the above, outside normal delegations, will be reported to the subsequent meeting of the incoming Council.

Financial Delegation – Chief Executive Officer

Currently the Chief Executive Officer has the delegated authority to enter into contracts on behalf of Whangarei District Council up to \$2,000,000, exclusive of GST.

The Roading Department, in particular, has a number of contract packages to be tendered this construction season that may exceed the Chief Executive Officers current financial delegation.

Approval for these contracts normally lies with the Infrastructure and Services Committee. Due to the conflict with the 2010 Elections the Committee may not be able to consider tenders until its first meeting. This may not be until February 2011 although Council committee's may resume as early as November 2010.

This could cause significant delays to the seasons construction programme, delaying both the start of construction and the availability of contracting resources. Due to the rise in tender prices and escalations, the Roading Department's normal standard contract packages may exceed the Chief Executive's financial delegation of \$2,000,000 plus GST.

It is recommended that the Chief Executive's financial delegation be increased to \$3,000,000 plus GST from 9 October until 31 March 2010.

Civil Defence Group Continuance During Elections

Introduction

The purpose of this report is to recommend a process to ensure that the Northland Civil Defence Emergency Management Group Joint Committee is not deemed to be discharged on the coming into office of the members of the Council elected at the forthcoming triennial general election. This is to ensure that there is someone appointed to the group until Council has had time to look at the appointment of Councillors to external committees.

Background

The Civil Defence Emergency Management Act 2002 requires every regional council and every territorial authority within a region to establish a 'Civil Defence Emergency Management Group' for the purposes of the Civil Defence Emergency Management Act as a joint standing committee under the Local Government Act 2002. Section 12(2) of the Civil Defence Emergency Management Act 2002 states:

"Clause 30(5) of Schedule 7 of the Local Government Act 2002 must not be read as permitting, during the term of local government or as a consequence of a local government election, the discharge or reconstitution of a Civil Defence Emergency Management Group established for the purposes of this Act."

Discussion

The purpose of Section 12(2) of the Civil Defence Emergency Management Act is to ensure that the Civil Defence Emergency Management Group joint committee remains in existence following local elections. The intention is to ensure that political oversight can be provided should an emergency occur between the time councils go out of office and the subsequent appointment of local authority members to their respective Civil Defence Emergency Management Group.

However, clause 30(7) of Schedule 7 of the Local Government Act 2002 produces a potential conflict with section 12(2) of the Civil Defence Emergency Management Act 2002. Clause 30(7) states *"that all committees of local authorities will be deemed to be discharged after the coming into office of the members of the local authority following local elections unless the local authority resolves otherwise."*

To provide continuity until the new appointments have been made, the existing members of the Civil Defence Emergency Management Group Joint Committee should be deemed not to have vacated office. Councillor Mai is Council's current representative on the Northland Civil Defence Emergency Management Group. Council's current representative has indicated that she is not standing for re-election so Council's current deputy representative Councillor Martin should

continue as Council's representative and in the event of the current deputy representative not being re-elected, the Mayor shall by default be the Council's representative on the Civil Defence Emergency Management Group Joint Committee until the incoming Council has appointed its new representative.

All other Councils in the Northland region have considered, or will consider, a similar report.

Recommendation

1. That this report be received.
2. *Urgent Council Decisions Following Local Government Elections – Delegated Authority Chief Executive Officer*
 - (a) That from the day after the Electoral Officer's declaration, until the convening of the meeting where the new Council is sworn in for the 2010-2013 Triennium, the chief Executive or Acting Chief Executive be given the full powers of Council except those responsibilities, duties and powers specifically excluded in terms of clause 32(1)(a)-(f) of Schedule 7 of the Local Government Act 2002.
 - (b) That any instances where the Chief Executive or Acting Chief Executive exercises powers in accordance with (a) above, be reported to the first Ordinary meeting of the incoming Council.
3. *Temporary Increase to the Chief Executive's Financial Delegation Following Local Government Elections*
 - (a) That temporary financial authority up to \$3,000,000 plus GST for the period 9 October 2010 until 31 March 2011 be given to the Chief Executive Officer.
 - (b) That any instances where the Chief Executive exercises this delegation be reported to the subsequent meeting of the incoming Council.
4. *Civil Defence Emergency Management – Group Continuance During Elections*
 - (a) That in accordance with clause 30(7) Schedule 7 of the Local Government Act 2002, the Northland Civil Defence Emergency Management Group Committee be deemed not to be discharged on the coming into office of the members of the Council elected at the next triennial election.
 - (b) That Council's current deputy representative be appointed as Council's representative on the coming into office of the members of the Council elected at the next triennial election and in the event of the Council's current deputy representative not being re-elected, the Mayor shall by default be the Council's representative on the Civil Defence Emergency Management Group Joint Committee until the incoming Council has appointed its new representative.