



AGENDA

Ordinary Council Meeting Wednesday, 26 October 2022

Date: Wednesday, 26 October 2022

Time: 2.00 pm

**Location: Ngā Hau e Whā, William Fraser Building,
1 Dunorling Street, Alexandra**

(A link to the live stream will be available on the Central Otago District Council's website.)

**Sanchia Jacobs
Chief Executive Officer**

Notice is hereby given that a Council Meeting will be held in Ngā Hau e Whā, William Fraser Building, 1 Dunorling Street, Alexandra and live streamed via Microsoft Teams on Wednesday, 26 October 2022 at 2.00 pm. The link to the live stream will be available on the Central Otago District Council's website.

Order Of Business

1	Apologies	4
2	Reports	5
22.8.1	Declaration of Office.....	5
22.8.2	Statutory Advice and Code of Conduct	18
22.8.3	Adoption of Standing Orders.....	76
22.8.4	Appointment of Deputy Mayor.....	166
22.8.5	Council Organisations and Policy on Appointment of Directors	167
22.8.6	Adoption of Interim Delegations Register.....	174
22.8.7	Appointment of Councillors to Community Boards.....	218
22.8.8	Council and Committee Appointments	221
22.8.9	Proposed Meeting Schedule for the Remainder of 2022 and 2023	223

Members His Worship the Mayor T Cadogan (Chairperson), Cr N Gillespie, Cr T Alley, Cr S Browne, Cr L Claridge, Cr I Cooney, Cr S Duncan, Cr S Feinerman, Cr C Laws, Cr N McKinlay, Cr M McPherson, Cr T Paterson

In Attendance S Jacobs (Chief Executive Officer), J Muir (Three Waters Director), Q Penniall (Infrastructure Manager), S Righarts (Group Manager - Business Support), L van der Voort (Executive Manager - Planning and Environment), M De Cort (Communications Coordinator), W McEnteer (Governance Manager)

1 APOLOGIES

26 October 2022

2 REPORTS

22.8.1 DECLARATION OF OFFICE

Doc ID: 589362

1. Purpose

Each member will be required to take a declaration of office.

2. Attachments

Appendix 1 - Mayor's Declaration of Office [↓](#)

Appendix 2 - Councillors' Declarations of Office [↓](#)

Declaration by Mayor

I, Tim Cadogan, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Mayor of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
Chief Executive Officer

Declaration by Member

I, Tamah Alley, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Sarah Browne, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Lynley Claridge, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Ian Cooney, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Stuart Duncan, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Sally Feinerman, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Neil Gillespie, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Cheryl Laws, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Nigel McKinlay, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Martin McPherson, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Tracy Paterson, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

22.8.2 STATUTORY ADVICE AND CODE OF CONDUCT

Doc ID: 589354

1. Purpose of Report

To provide Council with advice concerning legislation relevant to the role of members and to adopt a Code of Conduct.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
 - B. Notes the advice given on relevant legislation.
 - C. Adopts the Code of Conduct.
-

2. Background

Schedule 7 clause 21(5) of the Local Government Act 2002 requires the Chief Executive Officer to advise members of legislation relevant to their office and performance of duties, at the first meeting following the local authority triennial general election. Schedule 7 clause 15 of the Act also requires Council to adopt a Code of Conduct at this meeting.

The Code of Conduct has been updated from the 2019-22 version. These changes include clearer guidelines on when and which members should be informed that a code of conduct complaint has been received as well as a clearer procedure when an external investigator is used.

3. Discussion

Aside from being required by law, the Chief Executive Officer informing new Councillors of their legal obligations is vital to both individual members and the Council as an organisation. It sets the parameters of member conduct and protects the Council from the risk of member misconduct.

The proposed option will allow Councillors to debate the revised Code of Conduct and decide if any amendments are required before formal adoption. This debate is important as it enables Councillors to consider the rules which they agree to be bound by in the performance of their official duties.

There have been revisions of the Code of Conduct from the 2019-2022 version of the document. Additions include a clearer process on who should be informed of a complaint and when, clearer guidelines for the appointment of an external investigator, and provisions for a situation where the Chief Executive Officer wishes to place a complaint. The additions and changes proposed can be found highlighted in yellow in Appendix 1.

The statutes identified in Schedule 7 clause 21 of the Local Government Act 2002 are:

Local Government Official Information and Meetings Act 1987

Section 10 provides that any person or group may request access to any specified official information. There are specific grounds for refusing such information, and these grounds are explained in ss6 and 7. It is important to note that the default position in the Act is the principle of availability set out in s5 – "... information shall be made available unless there is good reason for withholding it."

A person may request the Office of the Ombudsman to investigate and review any decision to refuse access to official information; the Ombudsman cannot direct the Council to release information - an Ombudsman is empowered to recommend the release of information if the Ombudsman considers that in a given set of circumstances that is the right approach. The Ombudsman has the power to escalate a copy of their report to the Prime Minister if no appropriate action is taken by the Council to address the report.

The definition of information in the Act extends to any information obtained by a member in that person's official capacity. For example, if the Council appoints a member to represent the Council on another organisation which is entirely independent of the Council, any information (relating to that other organisation) obtained by the member is deemed to have been obtained by the Council and could thus be subject to requests under the Act. Council itself would not necessarily have the information contained within its records, but the member may have to supply it if so requested under the Act.

The Act also deals with meetings of local authorities; the principal issue affecting Council meetings is the exclusion of the public. The philosophy underpinning the Act is that every meeting of a Council, Community Board, Committee and/or Sub-Committee is open to the public. Each resolution to exclude the public has to be in the form prescribed by the Act and must contain the reasons for excluding the public.

Agendas and reports are to be made available to the public at least two working days before each meeting in accordance with s46 of the Act. This then enables the news media to publish reports (or extracts) prior to those reports being considered by members.

Items such as 'general business', 'questions', and 'late business' are not provided for on the agenda; if an issue is not contained in the agenda, that issue cannot be considered at that particular meeting. Section 46A(7) does provide an element of flexibility however to include further items on the agenda so long as the following pre-requisites are satisfied:

1. The meeting by resolution agrees to the item being considered, and;
2. The chairperson of the meeting must explain in open meeting why the item is not on the agenda and why a discussion on the item cannot be delayed until a subsequent meeting.

Section 46A(7A) qualifies this ability to discuss items not on the agenda by prohibiting any decision other than referring the item to a subsequent meeting of the local authority for further discussion.

The general principle is that an issue should only be discussed if it has been included in the agenda. This enables members to have some time before a meeting to consider the ramifications of the issue, rather than having to address topics without preparation. This statutory provision is aimed at enabling better decision-making by giving prior notice to the public of matters to be canvassed by members.

Local Authorities (Members' Interests) Act 1968

This Act relates to the making of contracts between local authorities and their members, and to the restrictions on the actions of members when matters in which they have a pecuniary interest are under consideration.

A person is not eligible to be a member of the Council if the total of all payments made by the Council in respect of all Council contracts in which that person is concerned or interested exceeds \$25,000 in any financial year. Should the total sum be expected to exceed \$25,000 in a financial year, the approval of the Office of the Auditor-General is required. The Council needs to apply for that approval.

In addition to dealing with significant contracts between the Council and a member, the Act also prohibits a member from participating in discussion or voting on a matter in which the member has, directly or indirectly, any pecuniary interest, other than an interest in common with the public.

The contract or the pecuniary interest need not relate solely to the member - a member's spouse may well have a financial involvement with the Council, and that is deemed by the Act to raise a potential conflict of interest with the member.

The obligation on declaring an interest greater than the general public rests with the individual member - the Council cannot require a member to refrain from discussion and voting on a particular matter. However, it is an offence under the Act for a member to discuss or vote on matters in which they have a pecuniary interest.

Crimes Act 1961

The relevant provisions are ss99, 105 and 105A which deal with the bribery and corruption of an official. The offences could be either offering a bribe or accepting a bribe, both of which may result in imprisonment of up to seven years. The Act defines a bribe as "any money, valuable consideration, office or employment, or any benefit, whether direct or indirect."

If a member corruptly uses information acquired in an official capacity to obtain an advantage or a pecuniary gain, that member is potentially liable to a term of imprisonment for up to seven years.

It should be noted that in terms of this Act, an "official" relates to either a member or an employee.

Secret Commissions Act 1910

This Act prohibits the receipt or giving of gifts as a means of inducement or showing favour. It also relates to gifts to a parent, spouse or child of a member, to a partner, clerk or servant of a member, or any other person.

The Act also deals with a member having an undeclared pecuniary interest in a contract and with the receipt of a secret reward for procuring a contract. It imposes a duty on members and their agents to disclose any such pecuniary interests they may have in a contract. Depending on the nature of the offence, a breach of this duty can attract imprisonment for a term of up to seven years.

Financial Markets Conduct Act 2013

The Act essentially places members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Members may also be liable if the requirements of the Act are breached concerning offers of financial products.

Local Government Act 2002

In terms of Schedule 7 clause 1 of the Act, where a member is convicted of an offence punishable by a term of imprisonment of two years or more or ceases to be an elector or becomes disqualified for registration as an elector under the Electoral Act 1993, that person is deemed to have vacated their office as a member of the Council or Community Board.

Clause 4 protects the right of a member to resign from office, and clause 15 requires members to adopt and abide by a Code of Conduct.

Sections 44, 46 and 47 of the Act together provide for members being personally liable for losses of the Council through unlawful acts or intentional failure to recover money that the local authority is entitled to receive. It is a defence to the charge if the member acted in good faith, on the reliance of certain advisers, voted or protested against the action or was unaware of the action.

Public Records Act 2005

The Act provides a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible. The Act enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It also provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.

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

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

Privacy Act 2020

The Privacy Act governs how organisations and businesses can collect, store, use, and share information. The Act has 13 privacy principles that govern how Council should collect, handle, secure, store, disclose and use personal information.

The Privacy Act 2020 came into force on 1 December 2020, replacing the Privacy Act 1993. Changes included strengthening requirements for notifiable breaches, the addition of compliance notices, and new criminal offences when misleading an organisation to access documentation, or destroying a document containing personal information knowing a request has been made.

Protected Disclosures (Protection of Whistleblowers) Act 2022

The Protected Disclosures (Protection of Whistleblowers) Act 2022 provides protection for employees when disclosing serious wrongdoing by their employer or fellow employees. The Act protects the discloser from any reprisals as a result of the disclosure.

It was updated in 2022 to strengthen the support provided to an employee when disclosing. The act prescribes processes that should be followed, including a requirement Council have appropriate internal procedures.

4. Financial Considerations

There are no financial considerations as a result of this decision.

5. Options

Option 1 – (Recommended)

Receive the information on relevant legislation and adopt an updated Code of Conduct as required under the Local Government Act 2002.

Advantages:

- Councillors are made aware of their legislative obligations.
- Councillors are given an opportunity to provide input into a new Code of Conduct.
- Council complies with its statutory obligations.

Disadvantages:

- None.

Option 2

Refuse to receive the information and decline to adopt an updated Code of Conduct.

Advantages:

- None.

Disadvantages:

- Councillors may be unaware of their legislative obligations
- Councillors would be bound by the current Code of Conduct, which they would not have had an opportunity to debate and provide input into.
- Council would be in breach of the Local Government Act.

6. Compliance

Local Government Act 2002 Purpose Provisions	Receiving the information and adoption of a Code of Conduct complies with Schedule 7 of the Local Government Act. It is also consistent with the purpose of local government set out in s10 as it enables better informed democratic local decision-making to occur on behalf of the people of Central Otago.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	This is a procedural decision and therefore has no impact on other plans and policies and is not inconsistent with them.
Considerations as to sustainability, the environment and climate change impacts	There are no implications arising from this report.
Risks Analysis	There are no risks to council from the recommended option.
Significance, Consultation and Engagement (internal and external)	This decision is procedural and does not trigger the requirements for consultation or engagement set out in council's Significance and Engagement Policy.

7. Next Steps

The Code of Conduct, if adopted, will come into effect immediately and will be published on the council's website. No further communication is considered necessary.

8. Attachments

Appendix 1 - Tracked changes for the Code of Conduct [↓](#)

Appendix 2 - Tracked changes for appendix 3 of the Code of Conduct [↓](#)

Appendix 3 - Council Code of Conduct [↓](#)

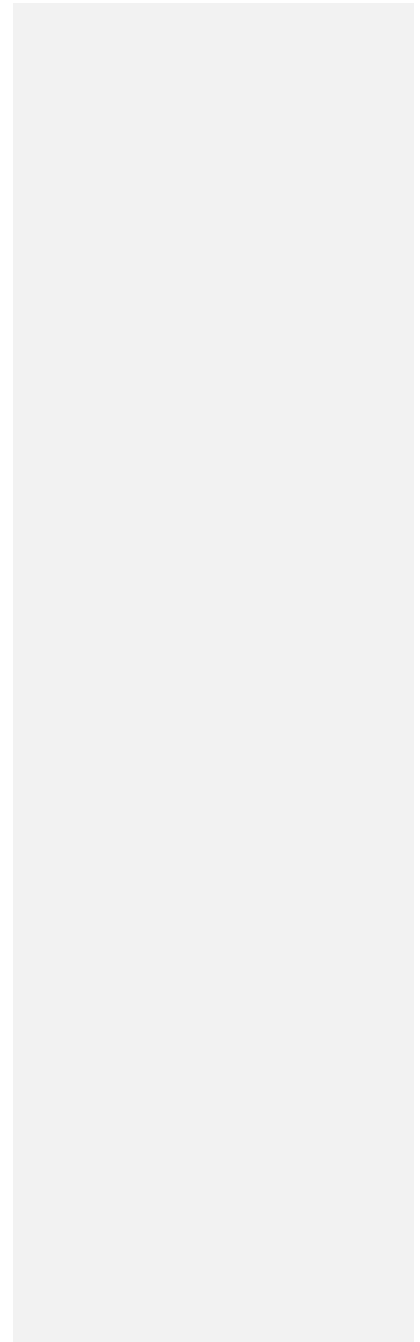
Report author:



Sanchia Jacobs
Chief Executive Officer
18/10/2022

Central Otago District Council
Code of Conduct

Adopted on x



Contents

Contents

Contents 2

1. Introduction 43

2. Scope 43

3. Values 54

4. Role and responsibilities 65

 4.1 Members 65

 4.2 Chief Executive 65

5. Relationships 76

 5.1 Relationships between members 76

 5.2 Relationships with staff 76

 5.3 Relationship with the public 87

6. Media and social media 87

7. Information 98

 7.1 Confidential information 98

 7.2 Information received in capacity as a member 98

8. Conflicts of Interest 98

9. Register of Interests 109

11. Ethical behaviour 119

12. Creating a supportive and inclusive environment 1214

13. Breaches of the Code 1312

 13.1 Principles 1312

 13.2 Complaints 1312

 Complaint referred to Mayor 1312

 Complaint referred to Independent Investigator 1544

 13.3 Materiality 1544

14. Penalties and actions 1615

 14.1 Material breaches 1615

 14.2 Statutory breaches 1615

15. Review 1746

Appendix A: Guidelines on the personal use of social media⁵ 1817

Appendix B: Legislation bearing on the role and conduct of members 1918

The Local Authorities (Members' Interests) Act 1968 1918

 Determining whether a pecuniary interest exists 1918

 The contracting rule 2049

 Non-pecuniary conflicts of interest 2049

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Field Code Changed

Field Code Changed

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Indent: Left: 46 px

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Indent: Left: 46 px

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Indent: Left: 46 px

Formatted: Font: Not Bold, Not Italic

Field Code Changed

Field Code Changed

Formatted: Font: Not Bold, Not Italic

Field Code Changed

Field Code Changed

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Field Code Changed

Field Code Changed

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Indent: Left: 46 px

Field Code Changed

Field Code Changed

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Field Code Changed

Field Code Changed

22.8.3 ADOPTION OF STANDING ORDERS

Doc ID: 589358

1. Purpose of Report

For Council to adopt a revised version of Standing Orders.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
 - B. Adopts the revised Local Government New Zealand Standing Orders with the following amendments:
 - i. Enable provisions for meetings by audio visual link
 - ii. Enable a casting vote for the chairperson
 - iii. Endorse option C (informal) as the default for speaking and moving motions.
-

2. Background

The Local Government Act 2002 (the Act) Schedule 7 Clause 27 states that a local authority must adopt a set of Standing Orders for the conduct of its meeting and those of its committees.

Local Government New Zealand have updated the Standing Orders for territorial authorities to ensure they give effect to changes in legislation and to improve wording and reduce ambiguity.

The last edition of the Standing Orders were adopted by the previous Council during their term from 2019 – 2022, and these will remain in effect until new Standing Orders are adopted by the new Council.

3. Discussion

Council is asked to adopt the updated Standing Orders and consider if any amendments are required. The key changes incorporated into the template are noted in appendix 2.

The Local Government New Zealand standing orders template also contains a number of optional provisions and, as part of the adoption process, members are given the choice of which options to include prior to being asked to adopt the full set of Standing Orders. These clauses are:

- Members' right to attend by audio or audio visual link (clauses 13.11 – 13.16);
- A casting vote for the Chairperson (clauses 19.3); and
- The choice of a default option for speaking and moving motions:
 - A - formal, (cl. 22.2); or
 - B - medium, (cl. 22.3); or

- C - informal, (cl. 22.4).

Factors to consider

Audio visual link

The Act allows members of a local authority to participate in meetings if they are not physically present by audio or audio visual means. This provision was made in response to requests from councils that represent large geographic areas in which it is often difficult for some members to attend meetings at short notice. Its use, however, is not limited by statute and councils can develop policies should they wish to constrain the use of the technology to certain types of meetings.

To make use of this option the relevant rules must be incorporated within a council's standing orders. Please note that members attending by audio or audio visual means are not counted as part of a meeting's quorum.

The previous Central Otago District Council included this clause in their Standing Orders.

Casting vote

The Act allows chairpersons to use a casting vote if provision for such a vote is made in a council's standing orders. The vote can be used when there is an equality of votes and, despite some views to the contrary, a casting vote is not limited to supporting the status quo.

The Local Government New Zealand standing orders template includes the casting vote option which will need to be removed should Council prefer that their chairpersons are unable to exercise such a vote.

A third option, in which a casting vote can only be used for prescribed types of decisions, is available. This option could specify, for example, that a casting vote can only be used for the adoption of statutory plans, such as the annual and long term plan.

The previous Council included a casting vote for the chairperson in their Standing Orders.

Speaking and moving options

The Local Government New Zealand standing orders template offers councils a choice of three frameworks, Options A, B or C, for speaking to and moving motions and amendments.

- Option A is the most formal of the three and limits the number of times members can speak and move amendments. For example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion. Only members who have not spoken to a motion or substituted motion may move or second an amendment to it. (This is the framework used in the Standards New Zealand Model Standing Orders.)
- Option B: While limiting the ability of movers and seconders of motions to move amendments it allows any other members, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.
- Option C provides substantial flexibility by removing the limitations placed on movers and seconders by the other two options.

The Council is asked to agree on a default option which will apply to all meetings, unless a chairperson or meeting agree to apply one of the other two options at specific meeting.

The previous Central Otago District Council had selected Option C.

4. Financial Considerations

There are no financial considerations as a result of this decision.

5. Options

Option 1 – (Recommended)

Adopt the revised Standing Orders and consider the three factors outlined above.

Advantages:

- Council has an up-to-date set of standing orders adapted to reflect legislative requirements.
- The Standing Orders will be supported and updated by Local Government New Zealand on an ongoing basis.

Disadvantages:

- None.

Option 2

Do not adopt the revised Standing Orders.

Advantages:

- None.

Disadvantages:

- Council will not be using the most up-to-date standing orders.
- The Standing Orders will not be supported and updated.

6. Compliance

Local Government Act 2002 Purpose Provisions	Adopting the Standing Orders enables democratic local decision-making and action by, and on behalf of communities by providing a framework of rules for making decisions, in a way that is open, transparent and fair.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	This is a procedural decision and therefore has no impact on other plans and policies and is not inconsistent with them.
Considerations as to sustainability, the environment and climate change impacts	There are no implications arising from this report.
Risks Analysis	There are no risks with the recommended option.

Significance, Consultation and Engagement (internal and external)

This is a procedural matter and, therefore, no consultation or engagement was required.

7. Next Steps

Once adopted, the Standing Orders will be published on the Central Otago District Council's website. Revised Standing Orders specific to community boards will go to the inaugural meeting of each community board for adoption.

8. Attachments

Appendix 1 - Standing Orders [↓](#)

Appendix 2 - Notes on changes made to the previous Standing Orders [↓](#)

Report author:



Sanchia Jacobs
Chief Executive Officer
18/10/2022

22.8.4 APPOINTMENT OF DEPUTY MAYOR

Doc ID: 589363

1. Purpose

To inform the Council of the Mayor's appointment of the Deputy Mayor.

Recommendations

That the Council:

- A. Receives the report.
 - B. Notes the appointment of Neil Gillespie as the Deputy Mayor.
-

2. Discussion

Section 41A(3)(a) of the Local Government Act 2002 gives the Mayor the power to appoint the Deputy Mayor.

Subsection 41A(4)(a) provides for the Council to overturn the appointment of the Deputy Mayor appointed by the Mayor, however the Council must follow the process set out under Clause 18 of Schedule 7.

3. Attachments

Nil

Report author:



Tim Cadogan
Mayor
12/10/2022

22.8.5 COUNCIL ORGANISATIONS AND POLICY ON APPOINTMENT OF DIRECTORS

Doc ID: 589365

1. Purpose of Report

To advise of the effect of appointing councillors to serve on its behalf on outside organisations and to re-adopt the Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
 - B. Re-adopts the Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations.
 - C. Makes appointments as recommended elsewhere in the agenda in light of the contents of this report.
-

2. Background

The Local Government Act 2002 (the Act) requires councils to be accountable to their communities not only for the decisions made directly by the Council but also for the decisions made by and the performance of organisations in which the Council is involved.

Section 6 of the Act defines three types of council organisations:

- Council Organisation (CO) - An organisation in which the local authority controls any proportion of the voting rights or the right to appoint directors.
- Council Controlled Organisation (CCO) - Any organisation in which one or more local authorities control 50% or more of the voting rights or appoint 50% or more of the directors.
- Council Controlled Trading Organisation (CCTO) - Organisations which trade with the intention of making a profit.

The term 'directors' includes trustees, managers and office holders.

All organisations that meet the above criteria are included unless the Act specifically excludes them. Any organisation exempted from the definition of a CCO (e.g. port companies, electricity companies, Civic Assurance) is still treated as a CO.

Section 57 of the Act requires councils to adopt a policy for appointing directors to council organisations.

Section 65(1) of the Act requires Council to undertake regular performance monitoring of those council organisations for which it is a shareholder. The definition of shareholder is

quite broad and includes partners, joint ventures, members, or any person holding voting rights.

3. Discussion

This report is part of the information provided in the new triennium and should be considered when appointing directors to Council Organisations. Central Otago District Council does not currently have any Council Controlled Organisations or Council Controlled Trading Organisations.

To fulfil the requirements of Section 57 of the LGA, Council has previously adopted a *Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations* as attached as appendix 1. It is recommended that Council re-adopt this policy.

4. Financial Considerations

There are no financial considerations as a consequence of this report.

5. Options

Option 1 – (Recommended)

Re-adopts the Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations.

Advantages:

- Council complies with the Act 2002.

Disadvantages:

- None.

Option 2

The Council does not re-adopt the Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations.

Advantages:

- None.

Disadvantages:

- Council does not comply with the Act.

6. Compliance

Local Government Act 2002 Purpose Provisions	This decision enables democratic local decision making and action by, and on behalf of communities by ensuring Council complies with legislative requirements.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	This is a procedural decision and therefore has no impact on other plans and policies and is not inconsistent with them.
Considerations as to sustainability, the environment and climate change impacts	There are no implications arising from this decision.
Risks Analysis	There are no risks associated with the recommended option.
Significance, Consultation and Engagement (internal and external)	This is a procedural matter and, therefore, no consultation or engagement was required.

7. Next Steps

No further action is required.

8. Attachments

Appendix 1 - Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations [↓](#)

Report author:



Wayne McEnteer
Governance Manager
10/10/2022

Reviewed and authorised by:



Saskia Righarts
Group Manager - Business Support
12/10/2022

22.8.6 ADOPTION OF INTERIM DELEGATIONS REGISTER

Doc ID: 589371

1. Purpose of Report

For Council to adopt an interim Register of Delegations.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
 - B. Adopts the interim Delegations Register, to come into effect on 27 October 2022.
-

2. Background

The existing Delegations Register (the Register) came into force in during the last triennium.

The Local Government Act 2002 (the Act) Schedule 7 Clause 32 states that for the purposes of efficiency and effectiveness a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities duties or powers unless expressly provided otherwise in the Act or any other Act.

Section 41A(3) of the Act provides the Mayor with the power to establish committees of the territorial authority and appoint the chairperson of each committee. As with the 2019-22 triennium, it is proposed that portfolios be created to separate the various parts of the Council's business.

3. Discussion

The statutory function of Council is to lead and guide the good management of the district by determining primary goals and objectives, by setting strategies and policies for their achievement and encouraging this through the considered use of committees and the appointment of skilled staff.

Elected members as individuals have no statutory authority; authority is vested in the Council as a whole. Individual members' roles are therefore closely linked to meetings of the Council and its committees, allowing issues to be raised, debated and resolved.

Where Council is empowered by legislation to carry out a decision making function, the decision to act must be by way of resolution of the full Council, unless otherwise provided in the legislation, or where the decision to act has lawfully been delegated to a committee, subcommittee, community board or officer.

The Mayor recommends for the 2022-25 triennium that once again portfolios are established to complement the governance structure. Portfolios do not have specific decision-making delegations, and decision making would be retained by Council. Portfolio leads and deputies would be established for each area. They would be responsible for specific policy areas and would act as the issue-specific leader and spokesperson for those areas.

The Mayor recommends that the following portfolios are established:

- Three Waters and Waste
- Community Vision and Experience
- Roading
- Planning and Regulatory

The Mayor has considered the roles and responsibilities for each portfolio. Accordingly, he recommends the following portfolio leads and deputies:

Three Waters and Waste:	Cr Nigel McKinlay (Lead) Cr Cheryl Laws (Deputy)
Community Vision and Experience:	Cr Tamah Alley (Lead) Cr Sally Feinerman (Deputy)
Roading:	Cr Stu Duncan (Lead) Cr Tracy Paterson (Deputy)
Planning and Regulatory:	Cr Neil Gillespie (Lead) Cr Ian Cooney (Deputy)

The delegations take an interim form for adoption at this meeting as there is still some work to be done on the delegations given to the Chief Executive Officer. An interim delegation will allow for those delegations to be worked through in a considered way.

4. Financial Considerations

There are no financial considerations as a result of this decision.

5. Options

Option 1 – (Recommended)

Adopt the interim Register of Delegations and approve the proposed portfolios and their leads and deputies.

Advantages:

- Portfolios are established to support the governance structure.
- Portfolio leads are established to ensure progress is made towards the Council's strategic priorities and projects.
- Decisions on the distribution of the remuneration pool can be made and forwarded to the Remuneration Authority.

- There is time to work through the remaining delegations document carefully.

Disadvantages:

- A completed register will need to be adopted in the future.

Option 2

Not adopt the interim Register of Delegations.

Advantages:

- None identified.

Disadvantages:

- The current Register of Delegations is outdated.

6. Compliance

Local Government Act 2002 Purpose Provisions	This decision enables democratic local decision making and action by clearly articulating where the delegations for decision lay.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	This is a procedural decision and therefore has no impact on other plans and policies and is not inconsistent with them.
Considerations as to sustainability, the environment and climate change impacts	There are no implications from this decision.
Risks Analysis	There are no inherent risks with the recommended option.
Significance, Consultation and Engagement (internal and external)	This is a procedural matter and, therefore, no external consultation or engagement is required.

7. Next Steps

Once adopted, the interim Register of Delegations will come into effect immediately and will be published on the Central Otago District Council's website.

8. Attachments

Appendix 1 - Interim Register of Delegations [↓](#)

Report author:

Reviewed and authorised by:



Wayne McEnteer
Governance Manager
11/10/2022

Saskia Righarts
Group Manager - Business Support
19/10/2022

22.8.7 APPOINTMENT OF COUNCILLORS TO COMMUNITY BOARDS

Doc ID: 589374

1. Purpose of Report

To advise Councillors that there is provision to appoint Councillors to be members of Community Boards and to make decisions about those appointments.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
 - B. Appoints Cr Duncan to the Maniototo Community Board.
 - C. Appoints Cr Feinerman to the Teviot Valley Community Board.
 - D. Appoints Crs Browne, Gillespie and Laws to the Cromwell Community Board.
 - E. Appoints Crs Alley, McPherson and Paterson to the Vincent Community Board.
-

2. Background

The law relating to the appointment of councillors to community boards is governed by the Local Electoral Act 2001 and Local Government Act 2002. These Acts provide for Council to appoint councillors to community boards.

3. Discussion

Council can appoint the ward councillors to respective community boards, and subject to the agreement of the councillor, he or she would join those elected to the board.

The Local Government Act 2002 provides for community boards to consist of at least four elected members with appointed members making up less than half the total number of members. Appointed members must be members of the Council for the area covered by the Community Board.

The Central Otago District Council last undertook a representation review in 2018 and resolved the following:

- i. The **Cromwell Community Board** will comprise four elected members and three members appointed to the community board by the Council being members representing the Cromwell Ward.
- ii. The **Maniototo Community Board** will comprise four elected members and one member appointed to the community board by the Council being the member representing the Maniototo Ward.
- iii. The **Teviot Valley Community Board** will comprise four elected members and one member appointed to the community board by the Council being the member representing the Teviot Valley Ward.

- iv. The **Vincent Community Board** will comprise four elected members and three members appointed to the community board by the Council being members representing the Vincent Ward.

As the Teviot Valley and Maniototo have one ward councillor position, those councillors are automatically appointed to their respective Boards. Council will need to appoint members to the Cromwell and Vincent Community Boards.

4. Financial Considerations

There are no financial considerations as a result of this decision.

5. Compliance

Local Government Act 2002 Purpose Provisions	This decision enables democratic local decision making and action by, and on behalf of communities by appointing members to the various community boards.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	This is a procedural decision and therefore has no impact on other plans and policies and is not inconsistent with them.
Considerations as to sustainability, the environment and climate change impacts	There are no implications arising from this decision.
Risks Analysis	There are no risks associated with the decision.
Significance, Consultation and Engagement (internal and external)	This is a procedural matter and, therefore, no consultation or engagement was required.

6. Next Steps

The appointed councillors will be sworn in as members of the respective community boards.

7. Attachments

Nil

Report author:



Sanchia Jacobs
Chief Executive Officer
18/10/2022

22.8.8 COUNCIL AND COMMITTEE APPOINTMENTS

Doc ID: 589377

1. Purpose

For the Mayor to establish committees of the territorial authority and appoint the chairperson of each committee established under Section 41A(3) of the Local Government Act 2002.

Recommendations

- A. Receives the report and accepts the level of significance.
 - B. Notes the reestablishment of the following committees and the Mayor's appointments to:
 - 1. The Audit and Risk Committee with the duties and powers as outlined in the interim Delegations Register.
 - 2. The Executive Committee with the duties and powers as outlined in the interim Delegations Register.
 - 3. The Assessment Committee with the duties and powers as outlined in the interim Delegations Register.
 - 4. The Hearings Panel with the duties and powers as outlined in the interim Delegations Register.
 - C. Determines the appointments to the following:
 - 1. Otago Regional Transport Committee.
 - 2. Central Otago Health Incorporated.
 - 3. Clutha District Council's appointment as Council's representative on the Otago Museum Trust.
 - 4. Central Otago Wilding Conifer Control Group.
 - 5. Maniototo Curling International Inc.
-

2. Discussion

The Mayor has the power to establish committees of the territorial authority and appoint the chairperson of each committee established under Section 41A(3) of the Local Government Act 2002.

In addition there are several external committees that the Council provides a representative or liaison.

3. Attachments

Nil

Report author:



Tim Cadogan
Mayor
12/10/2022

22.8.9 PROPOSED MEETING SCHEDULE FOR THE REMAINDER OF 2022 AND 2023

Doc ID: 589381

1. Purpose of Report

To approve a schedule of meetings for the remainder of 2022 and 2023.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
 - B. Adopts the proposed meeting schedule for the remainder of 2022 and 2023.
-

2. Background

The Local Government Act 2002 Schedule 7(c)19 states that a local authority must hold the meetings that are necessary for the good government of its district. The Chief Executive must give notice in writing to each member of the time and place of a meeting not less than 14 days before the meeting or the local authority can adopt a schedule of meetings.

Council has in the past adopted a schedule of meetings for the following year as this provides certainty of dates to members and staff. Having a yearly schedule allows for good forward planning and significantly reduces the administrative workload of advising members for each meeting.

A meeting schedule, once adopted, can be amended so there is still flexibility to respond to a change of circumstances.

The meeting schedule reflects the terms of reference for committees, Council and boards as well as working towards legislative deadlines such as adopting the annual plan. It also enables scheduling of meetings and workshops to progress significant pieces of work that have councillor input and oversight.

3. Discussion

The proposed meeting schedule suggests a six weekly cycle of meetings, with a slightly longer period between the final two community board meeting rounds of the year, and with the inclusion of an additional council meeting in December.

This cycle allows for community board meetings to be held leading into a council meeting, which will help facilitate the approval of any recommendations from community boards to council.

4. Financial Considerations

There are no financial considerations as a result of this decision.

5. Options

Option 1 – (Recommended)

Adopt the remaining schedule for 2022 and the proposed 2023 meeting schedule.

Advantages:

- Elected members and staff have certainty of dates for meetings until the end of 2023.

Disadvantages:

- None.

Option 2

Hold meetings on an ad-hoc basis

Advantages:

- High degree of flexibility.

Disadvantages:

- Does not facilitate forward planning.
- May impact on members ability to attend meetings at shorter notice.

6. Compliance

Local Government Act 2002 Purpose Provisions	This decision enables democratic local decision making and action by, and on behalf of communities by giving certainty of meeting dates.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	Yes.
Considerations as to sustainability, the environment and climate change impacts	There are no implications arising from this decision.
Risks Analysis	There are no risks arising from the recommended option.
Significance, Consultation and Engagement (internal and external)	The proposed meeting schedule was discussed with the Executive Team, the planning department, the finance team and staff who oversee processing of grants.

7. Next Steps

The meeting schedule will be presented to the Community Boards at their inaugural meeting for adoption. Once the meeting schedule has been adopted it will be published on the Central Otago District Council's website and meetings will be publicly notified according to the Local Government Act and the Local Government Official Information and Meetings Act 1987.

8. Attachments

Appendix 1 - Schedule for remainder of 2022 [↓](#)

Appendix 2 - Meeting Schedule for 2023 [↓](#)

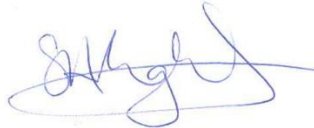
Appendix 3 - Meeting Schedule for 2023 (listed) [↓](#)

Report author:



Wayne McEnteer
Governance Manager
10/10/2022

Reviewed and authorised by:



Saskia Righarts
Group Manager - Business Support
12/10/2022

