



AGENDA

Extraordinary Cromwell Community Board Meeting Thursday, 10 November 2022

Date: Thursday, 10 November 2022

Time: 2.00 pm

**Location: Cromwell Service Centre, 42 The Mall,
Cromwell**

(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 an Extraordinary Cromwell Community Board meeting will be held in Cromwell Service Centre, 42 The Mall, Cromwell and live streamed via Microsoft Teams on Thursday, 10 November 2022 at 2.00 pm. The link to the live stream will be available on the Central Otago District Council's website.

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Members Cr S Browne, Cr N Gillespie, Ms A Harrison, Cr C Laws, Ms M McConnell, Mr B Scott

In Attendance T Cadogan (Mayor), S Jacobs (Chief Executive Officer), L van der Voort (Executive Manager - Planning and Environment), S Righarts (Group Manager - Business Support), W McEnteer (Governance Manager), J Harris (Governance Support Officer)

1 APOLOGIES

2 REPORTS

22.7.1 DECLARATION OF OFFICE

Doc ID: 596598

1. Purpose

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

2. Attachments

Appendix 1 - Declarations of Office 2022-2025 [↓](#)

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 Cromwell, 10 November 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Bob Scott, 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 Cromwell, 10 November 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 Cromwell, 10 November 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Anna Harrison, 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 Cromwell, 10 November 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Mary McConnell, 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 Cromwell, 10 November 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 Cromwell, 10 November 2022

Signature:

Signed in the presence of:
His Worship the Mayor

22.7.2 APPOINTMENT OF CHAIR AND DEPUTY CHAIR

Doc ID: 600618

1. Purpose of Report

To select a voting system and to appoint the Chair and Deputy Chair.

Recommendations

That the Cromwell Community Board

- A. Receives the report and accepts the level of significance.
 - B. Selects System B for the appointment of the Chair and Deputy Chair of the Board, or a representative of the Board.
-

2. Background

Local Government Act 2002, Schedule 7 allows for the following voting systems for the election of a Chair and Deputy Chair (as at 14 May 2019):

Clause 24(3) **Voting**

An act or question coming before a local authority must be done or decided by open voting [i.e. either by voice or show of hands].

Clause 25 **Voting systems for certain appointments**

- (1) *This clause applies to—*
 - (b) *the election or appointment of the deputy mayor; and*
 - (c) *the election or appointment of the chairperson and deputy chairperson of a committee [read also “Provisions relating to community boards and their members” [see Schedule 7, Part 2, Local Government Act 2002]]*
 - (d) *the election or appointment of a representative of a local authority.*
- (2) *If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:*
 - (a) *the voting system in sub clause (3) (system A):*
 - (b) *the voting system in sub clause (4) (system B).*
- (3) **System A -**
 - (a) *requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee 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.*

(4) **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.*

The previous Board selected System B.

3. Discussion

The Community Board is bound by law to choose either system A or System B. This system of voting will apply to any decision made by the Community Board that requires a vote.

4. Financial Considerations

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

5. Options

Option 1 – (Recommended)

That system B is chosen.

Advantages:

- Simple and quick.

Disadvantages:

- If there is a tie, resolution by lot does not offer the opportunity to revisit the selection.

Option 2

That system A is chosen.

Advantages:

- Offers voters the opportunity to revisit the options when the number of options is reduced.

Disadvantages:

- Takes longer.

6. Compliance

Local Government Act 2002 Purpose Provisions	This decision enables democratic local decision making and action by, and on behalf of
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	communities by making the chair and deputy chair publicly known.
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 consistent 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 set out in Council's Significance and Engagement Policy.

7. Next Steps

The Chair and Deputy Chair will take their positions at the table.

8. Attachments

Nil

Report author:



Sanchia Jacobs
Chief Executive Officer
26/10/2022

22.7.3 STATUTORY ADVICE AND CODE OF CONDUCT

Doc ID: 596599

1. Purpose of Report

To provide advice concerning legislation relevant to the role of members and to adopt a code of conduct.

Recommendations

That the Cromwell Community Board

- 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 the Board 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 members of their legal obligations is vital both to individual members and the Cromwell Community Board (the Board) as an organisation. It sets the parameters of member conduct and protects the Board from the risk of member misconduct.

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

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 ss 6 and 7. It is important to note that the default position in the Act is the

principle of availability set out in s 5 – "... 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 Board appoints a member to represent it on another organisation which is entirely independent of the Board, any information (relating to that other organisation) obtained by the member is deemed to have been obtained by the Board and could thus be subject to requests under the Act. The Board itself would not necessarily have the information contained within its records, but the member may have to supply it if requested under the Act.

The Act also deals with meetings of local authorities; the principal issue affecting Board 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 prerequisites 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 Board 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 Board 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 to declare an interest greater than the general public rests with the individual member - the Board 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 ss 99, 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 if the Board were to offer 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 Board 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 decisions.

5. Options

Option 1 – (Recommended)

Receive the information on relevant legislation and adopt an updated Code of Conduct.

Advantages:

- Members are made aware of their legislative obligations.
- Members are given an opportunity to provide input into a new Code of Conduct.
- The Board follows best practice and has clear guidelines to follow.

Disadvantages:

- None.

Option 2

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

Advantages:

- None.

Disadvantages:

- Members may be unaware of their legislative obligations.
- Members are left unclear as to what is expected of them.

6. Compliance

Local Government Act 2002 Purpose Provisions	Receiving the information and adopting the Code of Conduct is consistent with Local Government Act as well as best practice for community boards. It also aligns 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 [↓](#)

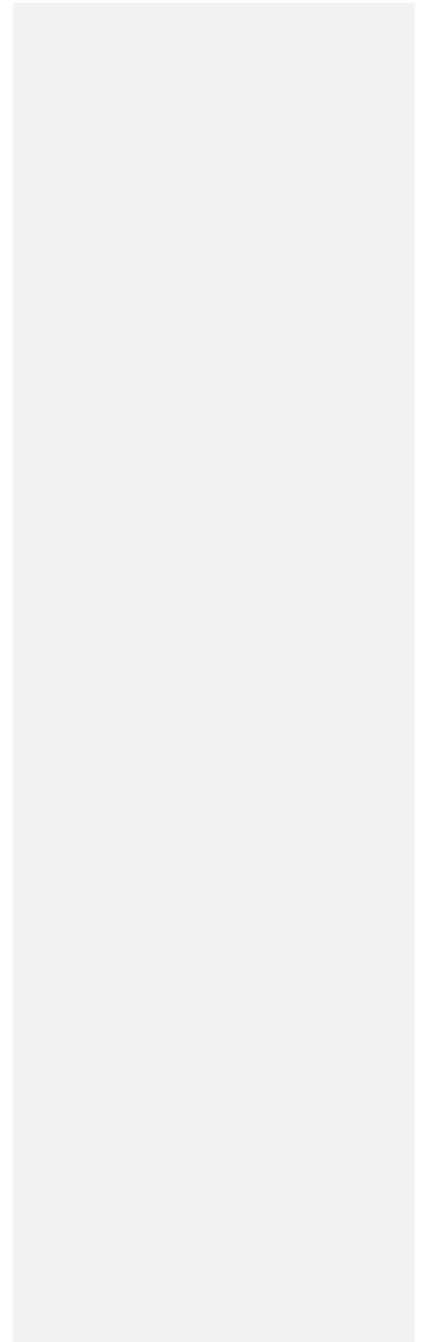
Report author:



Sanchia Jacobs
Chief Executive Officer
26/10/2022

Central Otago District Council
Code of Conduct

Adopted on x



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22.7.4 ADOPTION OF STANDING ORDERS

Doc ID: 600615

1. Purpose of Report

To adopt a revised version of Standing Orders.

Recommendations

That the Cromwell Community Board

- 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 and Community Boards during their term from 2019 – 2022, and these will remain in effect until new Standing Orders are adopted by the various meetings.

3. Discussion

Community Boards are asked to adopt the updated Standing Orders and consider if any amendments are required. The key changes incorporated into the template are included 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 territorial authorities 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 individual 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 the 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 the 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's 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 and Community Boards 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 Community Board 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:

- Community Boards have 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:

- Community Boards 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.

8. Attachments

Appendix 1 - Community Board Standing Orders [↓](#)

Appendix 2 - Changes made to the 2022 Standing Orders Template [↓](#)

Report author:



Sanchia Jacobs
Chief Executive Officer
26/10/2022

22.7.5 COUNCIL ORGANISATIONS AND POLICY ON APPOINTMENT OF DIRECTORS

Doc ID: 596603

1. Purpose of Report

To advise of the effect of appointing members to serve on its behalf in outside organisations and to receive the Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations.

Recommendations

That the Cromwell Community Board

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

2. Discussion

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.

At its meeting on 26 October 2022, Council considered a report recommending that it readopt the Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations. It should be noted that this report is a formality.

3. Attachments

Appendix 1 - Appointment and Remuneration of Directors [↓](#)

Report author:



Wayne McEnteer
Governance Manager
21/10/2022

Reviewed and authorised by:



Saskia Righarts
Group Manager - Business Support
21/10/2022

22.7.6 COMMUNITY BOARD EXPENDITURE

Doc ID: 600617

1. Purpose

To inform members of their responsibilities in relation to incurring expenditure on behalf of the Board.

Recommendations

That the report be received.

2. Discussion

Setting Budgets

At its meeting on 26 October 2022, it will be recommended to Council that they approve delegation of certain functions to Community Boards. These are attached as Appendix 1.

Boards are involved in setting budgets through the Long-term Plan (LTP) and Annual Plan planning processes. These budgets cover district facilities, community grants, parks and reserves (excluding Clutha management, trails maintenance and Molyneux Park, which are funded on a district wide basis). The boards will also recommend the fees and charges for these areas during the planning process for Council to approve when adopting its Long-term Plan or Annual Plan.

The Annual Plan and/or Long-term Plan documents set out how Council's income will be spent, and cover both operating and capital expenditure. They are open to public consultation and, once agreed, are made available at no charge to ratepayers.

Managing Budgets

Once the budgets are set, it is the responsibility of staff to manage the revenue and expenditure within the approved budget.

Council has in place an expenditure system that is acceptable to Audit New Zealand. This system includes the requirement for an order to be placed for all expenditure, such orders may only be issued by authorised council staff, and must be issued before expenditure is incurred.

Governance

During the year, there is only minor budgetary discretion for boards to exercise, mainly in the area of allocating grants. All expenditure is committed either by staff or through resolution of the Board. There are no delegations for individual board members to commit the board or council to any expenditure.

Each month, budget holders receive details of income and expenditure in their cost centres, and they supply the Finance Department with explanations for significant variances. These comments eventually feed into the finance reports submitted to boards and Council.


One of the Board's governance roles is to ensure that staff are managing the budgets appropriately. To assist the Board in its governance role, the operating and capital expenditures are reported back to the community boards on a quarterly basis. These reports compare actual expenditure against budget.

3. Attachments

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

Report author:

Reviewed and authorised by:



Wayne McEnteer
Governance Manager
3/11/2022

Saskia Righarts
Group Manager - Business Support
3/11/2022

22.7.7 APPOINTMENTS TO SUB-COMMITTEES AND OTHER COMMUNITY ORGANISATIONS

Doc ID: 596602

2. Purpose of Report

To appoint community board representatives to sub-committees and other community organisations where necessary.

Recommendations

That the Cromwell Community Board

A. Receives the report and accepts the level of significance.

B. Appoints representatives to community organisations as follows:

- Bannockburn Community Centre Management Committee Inc – 1 liaison
 - Bannockburn Recreation Reserve Management Committee Inc – 1 liaison
 - Cromwell and Districts Community Trust – 2 liaisons
 - Cromwell District Museum – 1 liaison
 - Cromwell Resource Centre Trust (known as Cromwell Community House) – The appointment of 5 representatives as per the Trust Deed
 - Cromwell Youth Trust – 1 liaison
 - Central Otago Sports Turf Trust – The appointment of 2 representatives as per the Trust Deed
 - Old Cromwell Incorporated – 1 liaison
 - Lowburn Hall Committee – 1 liaison
 - Pisa District Community Group – 1 liaison
 - Ripponvale Hall Committee - 1 liaison
 - Tarras Community Plan Group – 1 liaison
 - Tarras Hall Committee – 1 liaison
 - Cromwell and Districts Promotions Group – 1 liaison
 - The Community Board Chair can appoint two members to the Cromwell College Charitable Trust in the case of retirement or replacement of a member as per the Trust Deed
-

2. Background

Community board members have historically been appointed to various community groups. When considering appointments, the Board should bear in mind the report on Council Appointments that appears earlier on this agenda.

3. Discussion

Some community organisations receive considerable financial assistance from the Board, while other organisations receive little or no financial support, but welcome community board representation.

The Board has the opportunity to keep itself informed of the activities of these organisations and to review how the grants are being used (if applicable) by receiving copies of minutes and copies of financial and other reports as required.

Members are generally quite involved in community organisations as private individuals, and as community board members will be required to attend a number of formal and informal meetings throughout the year.

The Board may choose not to make specific appointments, but to leave it to individual members who already have an interest in a group or groups to liaise between the Board and the group.

A liaison appointment will require an elected member to keep in contact with the organisation. A representative will be required to attend the meetings of the organisation.

If an elected member is given voting rights at the organisation's meeting, the minutes of that group should then be put on a future agenda of the community board's agenda. That elected member will need to think about any conflict that could arise when matters concerning the representative organisation came to the board for consideration.

4. Financial Considerations

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

5. Options

Option 1 – (Recommended)

Appoint members to the groups listed in the recommendations, as appropriate, as non-voting liaisons or representatives.

Advantages:

- The Board will maintain the good relationships built up over the years with these groups.
- The Board will stay informed about the groups' finances and actions.

Disadvantages:

- The potential for conflicts of interest.

Option 2

Do not to appoint members to community groups.

Advantages:

- The potential for conflicts of interest concerning community groups will be reduced.

Disadvantages:

- The relationship with community groups could be compromised.
- The Board will lose a useful source of knowledge about the community they serve.

6. Compliance

Local Government Act 2002 Purpose Provisions	It also promotes the (social, cultural, economic and environmental) wellbeing of the community, in the present and for the future by maintaining links to groups that enhance the wellbeing of the community. All of them enhance social and cultural wellbeing and some also enhance economic and or environmental wellbeing.
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 consistent with them.
Considerations as to sustainability, the environment and climate change impacts	This decision will not create direct implications for sustainability, the environment or climate change.
Risks Analysis	There are no substantial risks associated with this decision.
Significance, Consultation and Engagement (internal and external)	This is a procedural matter and, therefore, no consultation or engagement was required.

7. Next Steps

Staff will make the external groups aware of the new appointments. The appointees will then act as a point of contact between the Board and the community group and fulfil their roles as either representatives or liaisons.

8. Attachments

Nil

Report author:



Sanchia Jacobs
Chief Executive Officer
26/10/2022

22.7.8 PROPOSED MEETING SCHEDULE FOR THE REMAINDER OF 2022 AND 2023

Doc ID: 596604

1. Purpose of Report

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

Recommendations

That the Cromwell Community Board

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

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

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

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

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

Report author:

Reviewed and authorised by:



Wayne McEnteer
Governance Manager
21/10/2022

Saskia Righarts
Group Manager - Business Support
21/10/2022

22.7.9 APPOINTMENTS TO PROJECT ADVISORY GROUPS

Doc ID: 599663

1. Purpose of Report

To consider appointments of representatives for the project advisory groups for the Cromwell Memorial Hall and Cromwell Mall.

Recommendations

That the Cromwell Community Board

- A. Receives the report and accepts the level of significance.
 - B. Recommends that Councillor Nigel McKinlay remains on the Cromwell Memorial Hall Project Advisory Group, in his capacity as a Cromwell Ward Councillor.
 - C. Agrees that Community Board member Anna Harrison remains on the Cromwell Memorial Hall Project Advisory Group.
 - D. Agrees to name a replacement representative from the Cromwell Community Board to the Cromwell Mall Project Advisory Group.
-

2. Background

In 2021 two project advisory groups were established to oversee the development of the Cromwell Memorial Hall and Cromwell Mall projects.

3. Discussion

Cromwell Memorial Hall Project

Prior to the recent local government election, the Project Advisory Group for the Cromwell Memorial Hall project had two community board members as part of its makeup (Anna Harrison and Nigel McKinlay). Councillor McKinlay is not on the Board for the 2022-25 triennium. Therefore, it is necessary, in terms of the resolution to consider a replacement from within the Board members.

For the sake of consistency, however, given his knowledge of the project and the work already completed, it is recommended that Councillor McKinlay continue his role on the Project Advisory Group.

Cromwell Mall Project

Additionally, Werner Murray was named as the Cromwell Community Board representative on the Project Advisory Group for the Cromwell Mall. Mr Murray did not seek re-election to the Board at the last election, therefore, this position is vacant and the Board need to nominate a replacement.

4. Financial Considerations

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

5. Options

Option 1 – (Recommended)

Retain Councillor McKinlay on the Project Advisory Group for the Cromwell Memorial Hall and replace Mr Murray on the Project Advisory Group for the Cromwell Mall.

Advantages:

- Elected member representation will continue on those groups.

Disadvantages:

- Councillor McKinlay is no longer a member of the Cromwell Community Board and so Board representation might be diminished as a result.

Option 2

Select other representatives for the Project Advisory Groups.

Advantages:

- Current members will be part of the representation.

Disadvantages:

- There will be no continuity of the advisory groups.

6. Compliance

Local Government Act 2002 Purpose Provisions	This decision enables democratic local decision making and action by, and on behalf of communities by appointing elected members to project advisory groups.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	Considerations of council plans and policies are not applicable to this decision.
Considerations as to sustainability, the environment and climate change impacts	There are no impacts to be considered as a result of this decision.
Risks Analysis	There are no risks to be noted.
Significance, Consultation and Engagement (internal and external)	This decision does not trigger any parts of the Significance and Engagement Policy.

7. Next Steps


The Project Advisory Groups will be informed of the decision.

8. Attachments

Nil

Report author:

Reviewed and authorised by:



Wayne McEnteer
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20/10/2022

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20/10/2022

3 DATE OF THE NEXT MEETING

The date of the next scheduled meeting is 28 November 2022.