



Meeting of the Hawke's Bay Regional Council

Date: Wednesday 6 November 2019
Time: 9.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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HAWKE'S BAY REGIONAL COUNCIL

Wednesday 06 November 2019

Subject: CALL FOR MINOR ITEMS OF BUSINESS NOT ON THE AGENDA

Item 4

Reason for Report

1. Hawke's Bay Regional Council standing order 9.13 allows:
 - 1.1. "A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

Recommendations

2. That Council accepts the following "Minor Items of Business Not on the Agenda" for discussion as Item 12.

Item	Topic	Raised by
1.		
2.		
3.		

**Leeanne Hooper
GOVERNANCE LEAD**

**James Palmer
CHIEF EXECUTIVE**

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 06 November 2019

Item 5

Subject: ADOPTION OF STANDING ORDERS

Reason for Report

1. This report is provided to enable Council to adopt its Standing Orders based upon the 2019 template provided by Local Government New Zealand.

Background

2. The Local Government Act 2002 (Schedule 7, Part 1, Sec 27) requires that *“(1) A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees”* and further, states:

“(2) The standing orders of a local authority must not contravene this Act, the Local Government Official Information and Meetings Act 1987, or any other Act.

(3) After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75% of the members present.

(4) A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.”

3. In 2016 Council adopted its standing orders based on a rewrite undertaken by Local Government New Zealand (LGNZ) which attempted to modernise and simplify the Standing Orders to make them easier to use.
4. LGNZ has again reviewed the Standing Orders ‘templates’ for the beginning of this triennium, in response to feedback from the sector over the past three years.
5. The changes are to add further clarity, and to update the Standing Orders to align to the updated Local Government Act and Local Government Official Information and Meetings Act provisions.

Discussion

6. In response to discussions with councillors on 30 October 2019, staff have confirmed that to amend this Council’s standing orders (13.8) to “count” members attending via electronic link for the purpose of establishing a meeting quorum would contravene the Local Government Act, Schedule 7 which states:

23 Quorum of councils and committees

(1) A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.

25A Attendance at meetings by audio link or audio-visual link

(4) Despite sub clauses (1) and (3), a member of the local authority who is not physically present at the meeting is not to be counted as present for the purposes of clause 23.

7. In relation to circumstances where a member might be disqualified due to sudden illness making them incapable of acting as a member for an indefinite period, the legislation does not specifically cover that circumstance, however staff consider that the ‘general’ provisions in relation to disqualification could apply and that remuneration for the member should cease at the time the member would have become disqualified. This is to say that a temporary illness should not disqualify a member as long as a leave of absence is sought, but that if an illness is ongoing for an indefinite term and prevents the member from undertaking their duties there should be a process to conclude the member’s term.

8. It is recommended that this disqualification commence following absence from four consecutive meetings and where there is no obvious near-term prospect for the member returning to duties as determined by resolution of Council. It is also proposed that consultation would occur between the Chair and Chief Executive and the affected member or their family over this determination. A suggested amendment to standing order 13.1 has been made to reflect these staff recommendations.
9. The provisions of LGA Schedule 7 are stated following.

1 Disqualification of Members

(1) A person's office as member of a local authority is vacated if the person, while holding office as a member of the local authority,—

(a) ceases to be an elector or becomes disqualified for registration as an elector under the Electoral Act 1993; or

(b) is convicted of an offence punishable by a term of imprisonment of 2 years or more.

(2) If sub clause (1)(b) applies,—

(a) the disqualification does not take effect—

(i) until the expiration of the time for appealing against the conviction or decision; or

(ii) if there is an appeal against the conviction or decision, until the appeal is determined; and

(b) the person is deemed to have been granted leave of absence until the expiration of that time, and is not capable of acting as a member during that time.

(3) A person may not do an act as a member while disqualified under sub clause (1) or while on leave of absence under sub clause (2).

4 Member's right to resign

(1) A member of a local authority may resign office by notice in writing addressed and delivered to the chief executive of the local authority.

(2) The notice takes effect on the day on which it is delivered to the chief executive of the local authority.

5 Extraordinary vacancies

(1) The office of a member of a local authority becomes vacant, and the vacancy that is created is an extraordinary vacancy, if the member—

(a) dies; or

(b) becomes subject to a property order made under section 31 of the Protection of Personal and Property Rights Act 1988; or

(c) is disqualified from, or is ousted from, office; or

(d) is absent without leave of the local authority from 4 consecutive meetings (other than extraordinary meetings) of the local authority; or

(e) resigns under clause 4.

Decision Making Process

10. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained in Part 6 Sub Part 1 of the Act in relation to this item and have concluded:
 - 10.1. Council is required, in accordance with the Local Government Act, to adopt a set of Standing Orders.
 - 10.2. Given the Local Government Act requirement, Council can exercise its discretion and make this decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the "Adoption of Standing Orders" staff report.
2. Agrees that, in accordance with the Local Government Act, Council is required to adopt a set of Standing Orders, and can therefore make this decision without consulting directly with the community.
3. Adopts the HBRC Standing Orders as attached, and including amendments agreed.
(by majority to be not less than 75% of members present and voting)

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

[⇒1](#) 2019 proposed Standing orders with tracked changes Under Separate Cover

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 06 November 2019

Subject: ADOPTION OF CODE OF CONDUCT FOR ELECTED REPRESENTATIVES

Item 6

Reason for Report

1. This report is provided to enable Council to adopt its Code of Conduct based on the 2019 template provided by Local Government New Zealand.

Background

2. Schedule 7 Part 15 of the Local Government Act 2002 states:

'15. Code of conduct—

(1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.

(2) The code of conduct must set out—

(a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—

(i) behaviour toward one another, staff, and the public; and

(ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—

(A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and

(B) relates to the ability of the local authority to give effect to any provision of this Act; and

(b) a general explanation of—

(i) the Local Government Official Information and Meetings Act 1987; and

(ii) any other enactment or rule of law applicable to members.

(3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.

(4) A member of a local authority must comply with the code of conduct of that local authority.

(5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.

(6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.

3. Local Government New Zealand developed and provided Code of Conduct templates in 2016, to provide national consistency, and has updated the templates ahead of this triennium.
4. The updated template, for the 2019-22 triennium, incorporates changes based on feedback received since the 2016 version was published, including:

- 4.1. An amendment to the complaints process, whereby the Chief Executive will forward, in the first instance, complaints to the Chair (except where they may be party to the complaint) in order to make it easier to address low level complaints
- 4.2. The addition of a section on social media and streamlining of the media and social media section.

Discussion

5. Staff have considered councillors feedback on the version of the Code that was provided previously and amended the first paragraph of section 12.2 and removed Appendix A in favour of more general guidance included in section 6.

Decision Making Process

6. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 6.1. The Adoption of a Code of Conduct is a statutory obligation for Council in accordance with Schedule 7 of the Act.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and notes the "Adoption of Code of Conduct for Elected Representatives" staff report.
2. Notes that Council may review the Code at any time, notwithstanding the fact that 75% of those present and voting have to agree to amendments.
3. Adopts the Code of Conduct as amended and agreed. (*by majority to be not less than 75% of members present and voting*)

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

 1 Proposed 2019 Code of Conduct Under Separate Cover

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 06 November 2019

Subject: PROPOSED GOVERNANCE STRUCTURE FOR THE 2019-22 TRIENNIUM

Item 7

Reason for Report

1. This item presents options for Council to consider for adoption of its "*Governance Structure*" for the 2019-22 triennium.

Officers' Recommendations

2. Staff recommend that Council retains a model that combines centralised decision-making by establishing:
 - 2.1. committees of the whole that make recommendations to Council
 - 2.2. specialised committees delegated to make specific decisions within strict parameters set by their Terms of Reference as well as recommendations to Council for significant actions, responses and changes.
3. Committees of the whole suggested are:
 - 3.1. Corporate and Strategic (C&S) – to set Council's strategic direction and corporate policies, signal regional issues and advise Council on LGA planning and decision making (e.g. Strategic Plan, Annual and Long Term plans), establish strategic priorities for organisational direction and performance, development of an overarching Climate Change adaptation and mitigation programme; and recommends actions, responses and changes to Council.
 - 3.2. Integrated Environmental Management (IEM) - covers the aspects of Council operational environmental functions brought together on a catchment, or place based, basis. The IEM committee will also monitor and report on the effectiveness of and compliance with Council's resource management, flood protection and drainage asset management, and regulatory responsibilities, environmental performance trends, and review responses to emerging and significant environmental issues; and recommends actions, responses and changes to Council.
4. Specialised committees to include:
 - 4.1. Finance, Audit and Risk – with delegations to make decisions in relation to risk assessment and management and internal audit functions as specified in the Terms of Reference, as well as report to Council on financial management matters.
 - 4.2. Hearings Committee – with delegations as specified in the Terms of Reference attached, including a requirement that members are RMA Making Good Decisions qualified or agree to undertake and pass the course.
 - 4.3. Māori Committee – with Terms of Reference that incorporate the 2017 Charter.
 - 4.4. Tenders Committee - with delegations as specified in the Terms of Reference attached.
5. Joint Committees to continue include:
 - 5.1. Regional Transport Committee - required under the Land Transport Management Act 2003 (LTMA), including minimum membership requirements and that the two Regional Council members are appointed as Chair and Deputy Chair.
 - 5.2. Regional Planning Committee – required by the HB RPC Act (attached) for the purpose of improving tāngata whenua involvement in the development and review of the Regional Resource Management Plan and Regional Coastal Environment Plan (documents prepared in accordance with the RMA).

- 5.3. Civil Defence Emergency Management (CDEM) Group Joint Committee - required under section 12 (1) of the Civil Defence Emergency Management Act, with membership made up of Mayors and Regional Council Chair and their deputies as alternates.
- 5.4. Clifton to Tangoio Coastal Hazards Strategy – to continue with current work programme and Terms of Reference (attached).
- 5.5. HB Drinking Water Governance – will continue with current focus on Drinking Water safety and security and Terms of Reference (attached).

Executive Summary

6. Council’s governance structure must enable it to effectively discharge its responsibilities under various Acts including the Local Government Act 2002, the Biosecurity Act 1993, the Resource Management Act 1991, the Civil Defence Emergency Management Act 2002, and the Land Transport Management Act 2003 to name a few, over the next three years.
7. Some of the functions of Council across the Committees as described in this item, are:

Corporate and Strategic (High Level Oversight)	Integrated Environments (Place Based)	Finance, Audit and Risk
Strategic Planning	Asset management	Annual Report financial auditing
Annual Plan and Long Term Plan development	Biosecurity	Six-monthly risk assessment of Council activities
External relationships, including strategic partnerships	Environmental compliance and enforcement – policies and procedures	Programme of Internal Audits
Finance and investment strategies including rates, user charges and cost recovery policies	Resource Consents – operational policies	Programme of section 17A efficiency and effectiveness and service delivery reviews
External relationships including strategic partnerships, marketing and communications	Environmental science, including State of the Environment monitoring	Investment Portfolio performance
Economic development and tourism including reporting by HB Tourism and Business HB	Engineering	
Corporate services including information and communication technology, fleet and facilities	Catchment Services	
Human resource management and Health and Safety	Water Advisory Services & Water Information Services	
	Maritime Navigation & Safety	
	Open Spaces	
	Reporting including: <ul style="list-style-type: none"> • Clean Heat • Public transport • Afforestation 	

Background

8. In developing and setting its structure Council needs to consider the LGA Governance principles, being:

“39 Governance principles

A local authority must act in accordance with the following principles in relation to its governance:

(a) a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community; and

(b) a local authority should ensure that the governance structures and processes are effective, open, and transparent; and

(c) a local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities; and

(d) a local authority should be a good employer; and

(e) a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.”

9. The structure must also reflect the principles of:
- 9.1. *Accountability* – understandable and unambiguous
 - 9.2. *Inclusive and responsive* – able to respond to matters of concern without unnecessary delays
 - 9.3. *Competent and capable* – participants are capable of meeting expectations and have access to competent advice
 - 9.4. *Diversity* – allowing members to alter their level of participation according to the other demands on their lives.
10. There are numerous statutory issues related to committees of Council but some of the more relevant issues include:
- 10.1. Council may appoint committees, sub-committees and other subordinate decision making bodies that it considers appropriate
 - 10.2. Council may establish a joint committee with another local authority or other public bodies
 - 10.3. Committees may appoint sub-committees it considers appropriate unless prohibited from doing so by the Council
 - 10.4. A committee or other subordinate decision making body is subject to the control of the local authority and must carry out all general and specific directions of the Council
 - 10.5. Council has the unfettered right to appoint or remove any member of a committee or sub-committee
 - 10.6. A joint committee has the sole power to appoint and remove its own chairman or deputy chairman
 - 10.7. Council may appoint to committees or sub-committees, people who are not members of the Council if, in the opinion of the Council, those people have the skills, attributes or knowledge that will assist the work of the committee or sub-committee
 - 10.8. At least one member of a committee must be an elected member of a local authority and employees of a local authority cannot be a member of a committee but may be a member of a sub-committee

- 10.9. The minimum number of members for a committee is three and sub-committee two.
11. Council can, at any stage, review its committee structure to ensure that it is appropriate and operating as intended.
12. Council is required by statute to have:
 - 12.1. the Regional Transport Committee as required by the Land Transport Management Act 2003
 - 12.2. the Regional Planning Committee in accordance with the Hawke's Bay Regional Planning Committee Act 2015
 - 12.3. the Hawke's Bay Civil Defence Emergency Group Joint Committee in accordance with the Civil Defence Emergency Management Act (2002) section 12(1).

Committees

Integrated Environmental Management Committee (IEM)

13. It is proposed that the Integrated Environmental Management Committee be created, with Terms of Reference attached (to be confirmed at the first Committee meeting) and meetings scheduled every second month.
14. This committee will consider and recommend policies, regulations and other methods to Council, through a place or catchment based view, with regard to the HBRC responsibilities and involvement with:
 - 14.1. Land Drainage and River Control including Works Group activities, flood control schemes, gravel extraction and natural hazards
 - 14.2. Biosecurity, Biodiversity and pest management
 - 14.3. Environmental Regulation including resource consent processing, monitoring and compliance, Pollution Response and Hazardous Sites.
15. This committee will also be responsible for considering and recommending actions to Council in relation to:
 - 15.1. maritime and navigation safety under the Maritime Transport Act 1994, including the Navigation and Safety By-laws.
16. Membership of the equivalent Environment and Services Committee has previously included a member from the Māori Committee and another tangata whenua representative from the Regional Planning Committee. It is recommended that Council consider continuing this practice.

Corporate and Strategic Committee (C&S)

17. This Committee is responsible for considering and recommending to Council strategic, Long Term and Annual plans and other strategic initiatives including development of the Council's Strategic Plan and other strategic initiatives with external stakeholders. It also deals with a number of operational issues outside of the Integrated Environmental Management Committee remit.
18. With the establishment of the Finance, Audit and Risk Sub-committee in 2015 some of the C&S Committee workload has been diverted, and generally speaking, the C&S Committee agendas have dealt with fewer items and been of shorter duration.
19. The C&S Committee remains an important vehicle for setting the direction of the Council's business and with the proposed addition of responsibilities for Council's Climate Change strategy and programme development the committee will ensure the Council's resources are aligned and coordinated behind this particular strategic imperative.
20. Membership of the committee has previously included a member from the Māori Committee and another tangata whenua representative from the Regional Planning Committee. It is recommended that Council consider continuing this practice.

Finance, Audit and Risk Committee

21. The Finance, Audit and Risk Committee is responsible for examining the robustness of Council's risk management systems, of appropriate controls to safeguard the Council's financial and non-financial assets, and the independence and adequacy of internal and external audit functions. It is proposed that it meets quarterly per calendar year, aligned to financial reporting periods.
22. It is recommended that the committee, retains the membership of four councillors and one independent member, and reports directly to Council, and the Terms of Reference (attached) have been amended accordingly. It is further recommended, based on advice from the Office of the Auditor General that the independent appointee serves as Chairperson of the Committee.

Hearings Committee

23. This committee considers and recommends processes, policies and guidelines to ensure effective management of RMA Resource Consent processes to Council, and is, pursuant to Section 34(1) of the Resource Management Act (RMA), delegated functions, powers and/or duties under the RMA as detailed in the Terms of Reference for the Committee as attached. Membership has previously included "Making Good Decisions" accredited members of the Regional Planning and Māori committees and it is recommended that Council consider continuing this practice.
24. Members of the Hearings Committee are eligible to be appointed as members of a Hearing Panel once they are "Making Good Decisions" accredited.

Māori Committee

25. During the last Council term, the Māori Committee consisted of twelve Māori members and three Council representatives. There were three Māori members elected by the iwi in their respective districts representing Wairoa, Napier (Ahuriri), Hastings (Heretaunga) and Central Hawke's Bay (Tamatea). These three members represented the Māori Executive, the Taiwhenua and a kaumatua, from each district. To ensure connectivity between the Māori Committee and the Regional Planning Committee (RPC), an option available to Council is to also invite the region's Treaty Settlement entities represented on the RPC to also attend the Māori Committee as members.
26. The actual numbers, representation and a communication strategy of membership is expected to be confirmed once Council has confirmed retention of the Māori Committee as part of its governance structure.
27. Staff recognise that the following needs to occur:
 - 27.1. Council needs to fulfil statutory responsibilities to engage in planning, resource consents and with its operational activities
 - 27.2. The Pātaka tool (an online resource of Tāngata Whenua information in Hawke's Bay) provides the connection with key contacts and staff within their daily work programmes have established strong relationships with Tāngata Whenua which includes local marae and whanau groupings
 - 27.3. With the majority of the Treaty settlement groups having now settled with the Crown, the Council has a larger number, and depth, of relationships with tāngata whenua that needs proactive management
 - 27.4. Council needs to develop greater cultural competency and staff awareness of obligations and expectations
28. In relation to the role of the Māori Committee, it is expected that this committee will develop and implement a work programme to ensure that Māori are present and effective in the decision-making processes outside of the RMA processes that the Regional Planning Committee is responsible for.
29. The Chair of the committee has previously been a non-voting attendee at Regional Council meetings and it is recommended that Council consider continuing this practice.

Tenders Committee

30. This committee considers and make decisions on Tenders which exceed the financial delegations of staff and meets as required. Membership has previously comprised the Chair and Deputy Chair of the Regional Council, and the Chairs of the Corporate & Strategic and Integrated Environmental Management committees. It is recommended that this membership be retained. The Committee's Terms of Reference is attached for reference.

Joint Committees

Regional Transport Committee (RTC)

31. This Committee is a requirement under the Land Transport Management Act 2003 (LTMA), and Section 105 states that the regional council must appoint (as the minimum membership) to its regional transport committee:

- 31.1. Two regional councillors
- 31.2. One representative from each Territorial Authority in the region
- 31.3. One representative of the New Zealand Transport Agenc.

32. The 2013-16 Regional Council chose to also exercise its powers under clause 31(3) of Part 1 of Schedule Seven of the Local Government Act 2002, relating to membership of committees to appoint additional representation.

“(3) The members of a committee or subcommittee may, but need not be, elected members of a local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member if, in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee.”

33. The membership of the Regional Transport Committee (*including appropriate sector and objective representatives*) in accordance with the 2016 Terms of Reference as adopted by HBRC was:

- 33.1. Two regional councillors, one of which as Chair (voting members)
- 33.2. One representative from each Territorial Authority in the region (voting members)
- 33.3. One representative of the New Zealand Transport Agency (voting member)
- 33.4. One representative from the NZ Police (non-voting member)
- 33.5. One representative from the Road Transport industry (non-voting member)
- 33.6. One representative from the Automobile Association (AA) representing access and mobility, including private motorists, pedestrians, cyclists and public transport users (non-voting member)
- 33.7. One representative for Port and Coastal Shipping (non-voting member)
- 33.8. One representative from KiwiRail (non-voting member)
- 33.9. One cultural interests representative, also representing environmental issues (non-voting member).

34. The Terms of Reference for the RTC is attached, and letters seeking representation from the territorial authorities and those representative organisations will be sought, once membership has been agreed.

35. One of the major functions of the RTC is to prepare a Regional Land Transport Plan for the region which will set out our transport priorities, objectives and measures across all modes of land transport. It is therefore suggested that if advisory representatives are appointed to the committee, that the views and interests of a range of land transport stakeholders should be represented as suggested above.

Hawke's Bay Regional Planning Committee (RPC)

36. In August 2015 the Hawke's Bay Regional Planning Committee Act (RPC Act) came into effect – four years after the Council had initially established the RPC. The RPC Act's purpose is to improve Tāngata Whenua involvement in the development and review of documents prepared in accordance with the Resource Management Act 1991 for the Hawke's Bay region by establishing the Regional Planning Committee as a joint committee of the Hawke's Bay Regional Council.
37. There are two matters that require further consideration by the incoming Council, being:
 - 37.1. Acceptance of the Terms of Reference (attached)
 - 37.2. appointment of an additional member to retain equal numbers with Tāngata Whenua RPC membership.

Hawke's Bay Civil Defence Emergency Management Group Joint Committee

38. This Committee is required by Statute under the Civil Defence and Emergency Management Act 2002. The current Terms of Reference have been established in conjunction with the other Members of the Committee (attached).
39. This Committee is a joint committee of all local government organisations that are within the Hawke's Bay CDEM Group area, i.e. Hawke's Bay Regional Council, Wairoa District Council, Hastings District Council, Napier City Council and Central Hawke's Bay District Council. The Committee was formed in March 2004 in accordance with the requirements of the CDEM Act 2002.
40. The Act requires that each local government organisation, as a Member of the Group, is represented by the Chairperson or Mayor of that local authority or an elected person from that authority who has delegated authority to act for the Chairperson or Mayor.
41. It is anticipated that the Group will meet twice annually.

Hawke's Bay Drinking Water Governance Joint Committee

42. This Committee was established as a result of the Government Inquiry into the Havelock North drinking water contamination, to provide governance oversight to the Joint (staff) Working Group regarding the implementation of recommendations from the Inquiry Panel and then the evolution of the JWG into a more permanent officials working group.
43. The committee currently comprises two councillors from each of the five participating councils and the HB District Health Board alongside one representative of Ngati Kahungunu Iwi Incorporated. It is recommended that two councillors be appointed.
44. Terms of Reference (attached) provide for the group to meet at least six monthly.

Clifton to Tangoio Coastal Hazards Strategy Joint Committee

45. This Committee was established in 2014, and Terms of Reference (attached) established in conjunction with the other Members of the Committee.
46. The committee is tasked with the development of a Strategy for the Hawke's Bay coastline between Clifton and Tangoio, up to 2120, which will provide a framework to guide and direct the assessment and implementation of preferred options for the long term management of the coast.
47. Currently, the Committee is at Stage 4 of Strategy development, which entails the 3 phases of:
 - 47.1. Phase 1: Pathway Concept Development, Testing and Planning;
 - 47.2. Phase 2: Community Consultation and Approvals; and
 - 47.3. Phase 3: Pathway Implementation Projects (multiple).

48. The Committee currently comprises three councillors from each of the three participating councils alongside representatives from tangata whenua and meets as required to progress its work programme, which is significant. It is recommended that three councillors be appointed.

Options and Considerations for Council

49. In relation to the Finance, Audit and Risk Committee staff offer options following for councillors' consideration.
 - 49.1. Status quo – continues to operate as a sub-committee of the Corporate and Strategic Committee (C&S) that has no decision-making delegations and makes recommendations to the C&S which are then further recommended to Council for decision.
 - 49.2. The Committee operates as a sub-committee of Council, eliminating the need for intermediate recommendations to C&S. Titled as either Committee or Sub-committee.
 - 49.3. Transfer the “finance” related functions of the committee to the C&S and operate either as:
 - 49.3.1. a sub-committee of C&S requiring recommendations to C&S for further recommendation to Council, or
 - 49.3.2. a sub-committee of Council, recommending directly to Council for decision.
 - 49.4. Depending on Council's decision on the final form of the Committee, councillors may also want to consider the meeting frequency required.
50. In relation to the Integrated Environmental Management Committee, Council may wish to consider a different name or reverting to the previous “Environment & Services Committee”.
51. The Terms of Reference for each of the proposed committees is presented in draft, with the intent that councillors provide feedback and agree amendments to provide the clarity and/or divisions of responsibility required to enable efficient reporting and decision making and avoid duplication.

Decision Making Process

52. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 52.1. Council is required to (LGA sch.7 cl.19(1)) hold the meetings that are necessary for the good government of its region
 - 52.2. Council may appoint (LGA sch.7 cl. 30(1)(a)) the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate
 - 52.3. Given the provisions above, Council can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the “Proposed Governance Structure for the 2019-22 Triennium”.
2. Agrees that, given the provisions of the Local Government Act 2002, Council can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decision.
3. Establishes the following committee structure and adopts the Terms of Reference, membership, meeting frequency and Council Executive responsible for each committee as detailed following.

3.1. **Corporate and Strategic Committee**

3.1.1. Terms of Reference being:

(to be inserted as attached, including amendments agreed)

3.1.2. Appoints Councillor xx as Chairperson and Councillor xx as Deputy Chairperson

3.2. **Integrated Environments Committee**

3.2.1. Terms of Reference being:

(to be inserted as attached, including amendments agreed)

3.2.2. Appoints Councillor xx as Chairperson, and Councillor xx as Deputy Chairperson

3.3. **Finance, Audit and Risk Committee**

3.3.1. Terms of Reference being:

(to be inserted as attached, including amendments agreed)

3.3.2. Appoints Councillors _____, _____, _____ and _____ to the Committee

3.3.3. Confirms the appointment of the Independent Member, currently Rebekah Dinwoodie, as Committee Chairperson.

3.4. **Hearings Committee**

3.4.1. Terms of Reference being:

(to be inserted as attached, including amendments agreed)

3.4.2. Appoints Councillors _____, _____ and _____ as members of the Committee

3.4.3. Appoints Councillor _____ as Chairperson and Councillor _____ as Deputy Chairperson

3.5. **Māori Committee**

3.5.1. Terms of Reference to be confirmed by Council by March 2020, including membership

3.5.2. Appoints Councillors _____, _____ and _____ as representatives on the Committee

3.6. **Tenders Committee**

3.6.1. Terms of Reference being:

(to be inserted as attached, including amendments agreed)

3.6.2. Confirms that the Committee membership is made up of Councillor _____ as Chairperson of the Integrated Environments Committee, Councillor xx as Chairperson of the Corporate and Strategic Committee, Councillor _____ as Chairperson of the Finance, Audit and Risk Committee, the Deputy Chairman of Council (Rick Barker) and Chairman Rex Graham.

3.7. **Regional Transport Committee (RTC)**

3.7.1. Terms of Reference being:

(to be inserted as attached, including amendments agreed)

3.7.2. Appoints Councillor xx as Chairperson, and Councillor xx as Deputy Chairperson.

3.8. **Hawke's Bay Regional Planning Committee (RPC)**

3.8.1. Terms of Reference being:

(to be inserted as attached, including amendments agreed)

3.8.2. Appoints all councilors to the committee, including Councillor xx as Co-Chairperson and Councillor xx as Deputy Co-Chairperson

3.9. **HB Civil Defence Emergency Management Group Joint Committee**

3.9.1. Terms of Reference being:

(to be inserted as attached, including amendments agreed)

3.9.2. Confirms Chairman Rex Graham as HBRC's representative on the Committee, and Deputy Chairman Rick Barker as alternate.

3.10. **Clifton to Tangoio Coastal Hazards Strategy Joint Committee**

3.10.1. Terms of Reference being:

(to be inserted as attached, including amendments agreed)

3.10.2. Appoints Councillors _____, _____ and _____ as HBRC's representatives on the Joint Committee.

3.11. **Hawke's Bay Drinking Water Governance Joint Committee**

3.11.1. Terms of Reference being:

(to be inserted as attached, including amendments agreed)

3.11.2. Appoints Councillors _____ and _____ as HBRC's representatives on the Joint Committee.

Authored by:

**Leeanne Hooper
GOVERNANCE LEAD**

Approved by:

**Joanne Lawrence
GROUP MANAGER OFFICE OF THE
CHIEF EXECUTIVE AND CHAIR**

**James Palmer
CHIEF EXECUTIVE**

Attachment/s

1	Draft 2019 Corporate and Strategic Committee Terms of Reference	Under Separate Cover
2	Draft 2019 Integrated Environments Committee Terms of Reference	Under Separate Cover
3	Draft 2019 Finance Audit and Risk Committee Terms of Reference	Under Separate Cover
4	Draft 2019 Hearings Committee Terms of Reference	Under Separate Cover
5	Draft 2019 Tenders Committee Terms of Reference	Under Separate Cover
6	Draft 2019 Regional Transport Committee Terms of Reference	Under Separate Cover
7	Regional Planning Committee Terms of Reference as at September 2019	Under Separate Cover
8	HB Regional Planning Committee Act 2015	Under Separate Cover
9	HB Civil Defence Emergency Management Group Joint Committee Terms of Reference	Under Separate Cover
10	Clifton to Tangoio Coastal Hazards Strategy Joint Committee Terms of Reference	Under Separate Cover
11	HB Drinking Water Governance Joint Committee Terms of Reference	Under Separate Cover

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 06 November 2019

Item 8

SUBJECT: COUNCILLOR APPOINTMENTS TO OUTSIDE BODIES

Reason for Report

1. This item covers appointments to groups and organisations that provide Council with valuable input into policy, plan and strategy development processes, as well as to external bodies where representation from Council has been requested, and/or where Council has a financial interest.
2. The role of councillors on these various organisations is not to direct or lead the group (except where appointed by the group to do so) but instead it is to inform the group of Council's view and to act as a conduit for the group back to Council.

Entity Representation

Cycling Governance Group

3. There is a network of cycle/walkways across the Heretaunga Plains, in Central Hawke's Bay and Wairoa that is well used by local residents and increasingly visitors to Hawke's Bay. Of the 200+ km of pathways throughout the region, approx. 100km are on land owned or administered by HBRC. Both Napier City and Hastings District Councils are also responsible for significant lengths of cycleway within their Districts.
4. The Cycle Governance Group was formed to ensure a level of coordination between the various Councils, to consider potential enhancement opportunities for the network that will add to the enjoyment of its users.
5. Over the next three years there is expected to be a focus on the promotion of the network to maximise the benefit to the Hawke's Bay economy. This will require agreement between the three councils who own parts of the network, on standards to which the pathways should be maintained, working collaboratively with pathways owners and other stakeholders to identify potential improvements to the network and how those may be funded, and linking to central government through Nga Haerenga the NZ Cycle Trails.
6. The Group meets approximately once every three months, and it is recommended that one councillor is appointed to the Cycling Governance Group.

Heretaunga Plains Urban Development Strategy Implementation Working Group

7. This Working Group comprises two Councillors each from Napier, Hastings and Hawke's Bay Regional councils. *Ex officio members* are the respective CEOs from the three councils, plus the Regional Council Chair and mayors of Napier and Hastings councils. It meets quarterly or more frequently as required.
8. It was established in 2011 to oversee the implementation of the findings of the Heretaunga Plains Urban Development Strategy. The strategy takes a long term integrated view of urban land use and infrastructure. It provides an overall framework for aligning plans and strategies of organisations that deal with urban planning, including the Regional Transport Strategy.

TBfree Hawke's Bay Committee

9. This Committee is TBfree New Zealand's (previously known as the Animal Health Board) link to the local community. OSPRI is the parent company of TBfree, with responsibilities to eradicate Bovine TB from domestic herds in New Zealand. Their funding is sourced from Government and the dairy, beef and deer sectors.
10. This Committee provides advice on the programme for the eradication of Bovine Tuberculosis from domestic herds in Hawke's Bay. HBRC has, in the past, worked closely with the TBfree Committee when providing vector management services under contract to OSPRI. This is no longer the case, and for the past several years coordination with OSPRI has been largely handled at a staff level.

11. Council is, however able to appoint a political representative to the Committee if they choose to do so. It is recommended that Council considers whether or not they wish to have political representation on the TBfree HB Committee, and if so appoint one councillor representative.

Hawke's Bay Drought Committee

12. The Drought Committee is activated at times of severe drought in HB to enable a coordinated response to the situation. Participants include District Councils, East Coast Rural Support Trust, Ministry of Primary Industries, and many stakeholders involved in the primary productive sector.
13. This Committee is facilitated by HBRC as part of its overview of natural hazards for Hawke's Bay and the Civil Defence Emergency Management Joint Group.
14. During the 2012-13 summer drought the Committee was chaired by the Regional Council Chairman.
15. It is recommended that the Chairman of Council be appointed to the Hawke's Bay Drought Committee.

Tukituki Leaders Forum

16. The Tukituki Leaders Forum is part of the community engagement structure established by HBRC, jointly with Central Hawke's Bay District Council, to develop community led initiatives to resolve water quality and quantity relate issues.
17. It is recommended that two councillors be appointed to the Tukituki Leaders Forum.

Future Farming Charitable Trust

18. The Future Farming Initiative (FFI) was created as an outcome of the Council's consultation on the 2018-28 Long Term Plan as an independent farmer and grower led initiative to lead on-farm research and innovation focused on identifying practical, profitable and achievable options for farmers to improve environmental outcomes on their farms while maintaining and enhancing productivity.
19. The Terms of Reference and Constitution for the Trust provides for a Council-appointed trustee. Staff consider that in the formation of the Trust an expectation was created that the Council-appointee would be either a councillor or staff member. It is recommended that one councillor be appointed to the Future Farming Trust in accordance with the Terms of Reference and Constitution for the Trust.

Hawke's Bay Tourism

20. Hawke's Bay Tourism is the official Regional Tourism organisation (RTO) for Hawke's Bay. It is governed by a Board, which includes a representative from the Hawke's Bay Regional Council.
21. HB Tourism is a membership based organisation and offers two partnership programme models.
 - 21.1. Industry Partner – for businesses with a direct relationship to the visitor industry e.g. accommodation, transport operators, attractions, retailers, hospitality industry and wineries.
 - 21.2. Support Partner – for support service businesses, industry and sector associations and those with a genuine desire to support economic development in Hawke's Bay through tourism initiatives.
22. The Board of HB Tourism meets approximately every six weeks and undertakes:
 - 22.1. Governance of HB Tourism, including progress towards achieving key performance indicators
 - 22.2. Extensive stakeholder engagement with tourism operators, central and local government and other agencies
 - 22.3. Consideration of new initiatives for tourism in Hawke's Bay (for example, F.A.W.C! Food and Wine Classic)

23. Hawke's Bay Tourism is jointly funded by the Hawke's Bay Regional Council and the local tourism industry through the Hawke's Bay Tourism Industry Association.
24. Hawke's Bay Tourism currently also has a Maori representative board member, a role currently held by Councillor Hinewai Ormsby. It is recommended that HBRC appoints a Director to the Board of Hawke's Bay Tourism.

Hawke's Bay Sports Council

25. The Hawke's Bay Sports Council is a forum of members directly involved in the provision of sport and active recreation opportunities for the people of Hawke's Bay. It exists to ensure that those organisations with fundamental roles in the provision of sport and active recreation opportunities, engage in a collaborative, structured, transparent and strategic manner to ensure a successful regional model for sport and active recreation provision.
26. The Council meets on a quarterly basis at Sport Hawke's Bay's offices, and it is recommended that one councillor be appointed to the Hawke's Bay Sports Council.

Local Government New Zealand

27. Council is a member of Local Government New Zealand (LGNZ) which is the national body representing the interests of all Local Authorities in New Zealand.
28. The Country is divided into six 'Zones' which meet periodically, of which HBRC belongs to Zone 3. The Chairman has traditionally represented Council at these meetings and other Councillors may attend when relevant items of interest appear on the agenda.
29. The Chairman also attends, as the Council's representative, the Regional Sector Group which is a Committee of LGNZ representing all regional and unitary authorities.
30. It is necessary to formalise Council's representation on the various bodies of Local Government New Zealand. It is recommended that the Council Chair continues to represent the Council on the Regional Sector Group. Council may wish to nominate one or more Councillors to be a standing representative(s) at LGNZ Zone 3 meetings or seek attendees on a meeting per meeting basis.
31. There are usually four Regional Sector Group and Zone 3 meetings held each year, and one 3-4 day LGNZ conference. It has been past practise for any Councillor who wishes to attend the annual LGNZ conference to be funded to do so and it is recommended that this practice continue.
32. The Council pays \$40,280 per year to LGNZ for membership fees, and travel and accommodation costs associated with elected representative meeting attendance are covered by Council as well.

Hawke's Bay Regional Investment Company and Napier Port Holdings Limited

33. The Council will need to make director appointments to the Council Controlled Trading Organisations of Hawke's Bay Regional Investment Company and Napier Port Holdings Limited and a paper on these will come to Council at the completion of current matters being addressed around the financial reporting periods of these organisations.

Decision Making Process

34. Council is required to make a decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained in Part 6 Sub Part 1 of the Act in relation to this item and have concluded:
 - 34.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 34.2. The use of the special consultative procedure is not prescribed by legislation.
 - 34.3. The decision does not fall within the definition of Council's policy on significance.
 - 34.4. The persons affected by this decision are all persons with an interest in the Council's management of regional resources.

- 34.5. Options that have been considered include not making any appointments to any groups or organisations listed.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the "Councillor Appointments to Outside Bodies" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons who have an interest in the decision.
3. Appoints Councillor representatives to the following organisations or groups:
 - 3.1. One representative on the Cycling Governance Group; being Councillor ...
 - 3.2. Two representatives on the Heretaunga Plains Urban Development Strategy Implementation Working Group, being Councillors ...
 - 3.3. One representative on the TBfree Hawke's Bay Committee; being Councillor ...
 - 3.4. One representative on the Hawke's Bay Drought Committee; being Councillor ...
 - 3.5. Two representatives on the Tukituki Leaders Forum; being Councillor ...
 - 3.6. One representative on the Future Farming Trust, being councillor
 - 3.7. One representative on the Hawke's Bay Tourism Board of Directors, being Councillor ...
 - 3.8. One representative on the Hawke's Bay Sports Council; being Councillor ...
 - 3.9. Confirms the Chairman of Council, or his substitute delegate, as the Hawke's Bay Regional Council's representative at Zone 3 meetings of Local Government New Zealand.
 - 3.9.1. Authorises the Chairman, as HBRC delegate, to vote at those meetings on behalf of the Hawke's Bay Regional Council.
 - 3.9.2. Appoints the Chairman as Council's representative on the Regional Sector Group of Local Government New Zealand.
 - 3.9.3. Delegates to the Chairman of HBRC, the authority to respond to and provide input into matters relating to Local Government New Zealand, reporting as necessary to Council.

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

Joanne Lawrence
GROUP MANAGER OFFICE OF THE
CHIEF EXECUTIVE AND CHAIR

James Palmer
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 06 November 2019

Item 9

SUBJECT: COUNCILLOR REMUNERATION AND ALLOWANCES

Reason for Report

1. This item provides the information necessary for Council to resolve the remuneration of councillors for the period to 30 June 2020, in accordance with the Remuneration Authority's [Local Government Members \(2019-20\) Determination 2019](#).

Executive Summary

2. Each newly elected council is invited to give the Remuneration Authority recommendations (by resolution) for how its pool (\$557,483) should be distributed among the Council members. The resolutions will include a rate for base councillor remuneration (minimum \$50,378) and rates for all/any positions of responsibility (except Council Chair) and must use the entire pool.
3. The authority will consider the Council's recommendations before determining the remuneration payable to members. Once the Remuneration Authority has made its decision on Council's proposed remuneration, the revised payments covering positions with additional duties in the new determination will be backdated to the date the appointments to positions with additional duties was made.

Officers' Recommendations

4. Staff recommend that Council resolves to:
 - 4.1. Resolve remuneration levels for councillors in accordance with Option 1, 2 or 3 as detailed
 - 4.2. Resolve to adopt allowance policies to include reimbursement to eligible councillors for the costs of vehicle mileage, travel time, communications and childcare incurred in the course of undertaking their Council duties.

Background

5. Each year the Authority determines the remuneration for elected members.
6. In making the Determination, the RA does so in accordance with LGA Schedule 7 as follows.

7 Mandatory criteria for Remuneration Authority

(1) In determining remuneration under [clause 6](#), the Remuneration Authority must have regard to the need to—

(a) minimise the potential for certain types of remuneration to distort the behaviour of the persons listed in [clause 6\(1\)](#) in relation to their positions as listed in [clause 6\(1\)](#); and

(b) achieve and maintain fair relativity with the levels of remuneration received elsewhere; and

(c) be fair both—

(i) to the persons whose remuneration is being determined; and

(ii) to ratepayers; and

(d) attract and retain competent persons.

(2) The criteria in subclause (1) do not prevent the Remuneration Authority from determining allowances additional to salary for attending meetings.

7. Having conducted a major review, including extensive consultation, of how elected members' remuneration is calculated, the Remuneration Authority has introduced:
 - 7.1. a revised and updated Council size index
 - 7.2. a childcare allowance for members who have responsibility for caring for children under the age of 14 years
 - 7.3. and a pool for remuneration distribution to councillors other than the Chair.
8. An introduction to the remuneration processes has been provided by the Remuneration Authority, and is attached for reference.

Elected Member Remuneration

9. Previously, Council has paid higher remuneration (most recently \$66,287 pa) to those councillors fulfilling positions with additional duties. The remuneration for councillors with no additional duties was previously \$53,030pa. The six positions previously covered were:
 - 9.1. Deputy Chair of Council
 - 9.2. Corporate and Strategic Committee Chair
 - 9.3. Environment and Services Committee Chair
 - 9.4. Regional Planning Committee Co-Chair *(if not HBRC Chair)*
 - 9.5. Regional Transport Committee Chair
 - 9.6. Hearings Committee Chair.
10. *Please Note:* Payments for additional duties apply to all the positions that a member holds. For example, if the Deputy Chair also chairs a Committee, only one additional payment is made to cover all the duties. Participation on the Coastal Hazards and Drinking Water Joint Committees has not previously been additionally remunerated.
11. In the interests of transparency, the remuneration for the Chairman of Council has been set by the Remuneration Authority at \$136,000 pa (previously \$127,436 pa). The Chairman's salary is reduced to allow for the private use of the Council provided vehicle as agreed with the Chairman, and calculated in accordance with Clause 9 of the Determination.

Options for Consideration

12. The options staff ask councillors to consider for distribution of the pool are structured to provide:
 - 12.1. Option 1 - Greater equity across councillors, e.g. higher base salary and lesser additional duties 'top up' including Deputy Chair at same rate as Committee Chair
 - 12.2. Option 2 - More recognition of leadership roles, e.g. base salary same as set by RA and higher additional duties pay for Committee Chairs with an additional increment again for Deputy Chair
 - 12.3. Option 3 – between options 1 and 2.

Total Remuneration Pool = \$557,483					
Option 1		Option 2		Option 3	
Base salary	\$62,000 pa	Base salary	\$50,378 pa	Base salary	\$58,000 pa
Deputy Chair	\$72,247 pa	Deputy Chair	\$92,913 pa	Deputy Chair	\$73,580 pa
Committee Chair	\$72,247 pa	Committee Chair	\$92,913 pa	Committee Chair	\$73,580 pa

13. In the previous triennium the additional time commitment for travel and constituent engagement for the 3 rural councillors – CHB, Ngaruroro, Wairoa – was raised and an alternative option could be to provide higher remuneration for these councillors, albeit the number of constituents each serves is less than urban councillors.

Elected Member Allowances and Expenses

14. The determination linked to this item sets out the details and conditions or criteria relating to the payment of vehicle mileage (section 11), travel time (section 12), communication (section 13) and childcare allowances (section 14). The terms, conditions and amounts included in the determination apply for the period up to 30 June 2020.
15. In considering whether to offer the Childcare Allowance to eligible members, staff ask councillors to:
 - 15.1. consider circumstances where childcare allowances may be required to enable elected members to undertake their duties, rather than focus on specific individuals
 - 15.2. Childcare allowances can be incurred by elected members at most times of a 24/7 weekly period, but most probably, would be applicable for daycare fees to allow meeting attendance, babysitting fees to allow attendance at night meetings, or casual payments for the likes of holiday programmes to enable elected members to attend meetings during those periods
 - 15.3. The cost of childcare allowance is met from outside the governance remuneration pool available to elected members, thus requires Council to budget for this item specifically. Whilst very difficult to calculate what an annual cost to Council for acknowledging this Clause in the determination may be, staff suggest a budget in the vicinity of \$20-25,000 would be sufficient depending upon the number of councillors who require this support.
16. Staff propose that Council agrees the allowances paid to councillors as set out in the following table.

Allowance	18 October 2019 – 30 June 2020
Mileage Allowance – petrol or diesel	\$0.79 per km
Mileage Allowance - Hybrid	\$0.79 per km
Mileage Allowance – Electric Vehicle	\$0.79 per km
Mileage Distance on Higher Rate	14,000 km per year
Mileage Allowance (after higher rate distance)	\$0.30/km petrol/diesel \$0.19/km hybrid \$0.09/km electric
Threshold time on daily travel	8 hours in a 24 hour period
Travel Time Allowances	\$37.50 per hour (after the first hour of eligible travel)
Communication Allowance	Limited to \$1,190 per year
Childcare Allowance	Limited to \$6,000 per child per year

17. The HBRC 2019-20 Elected Members' Expenses and Allowances Policy will be updated to reflect the decisions (resolutions) of Council provided to the Remuneration Authority for consideration, and supplied to councillors.

Decision Making Process

18. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained in Part 6 Sub Part 1 of the Act in relation to this item and have concluded that Council can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke’s Bay Regional Council:

1. Receives and considers the “Councillor Remuneration and Allowances” staff report.
2. Proposes that the remuneration levels to be paid to elected members under the Local Government Elected Members’ Determination 2019 are in accordance with:
 - 2.1. Option 1
 - or
 - 2.2. Option 2
 - or
 - 2.3. Option 3
 - 2.3.1. \$00,000 per annum for councillor with no additional responsibilities
 - 2.3.2. \$00,000 per annum for Deputy Chairman Rick Barker
 - 2.3.3. \$00,000 for each position of additional responsibility (Committee Chairs x 5) being:
 - 2.3.3.1. Cr _____ Chair, Hearings Committee
 - 2.3.3.2. Cr _____ Chair, Corporate and Strategic Committee
 - 2.3.3.3. Cr _____ Chair, Integrated Environments Committee
 - 2.3.3.4. Cr _____ Chair, Regional Transport Committee
 - 2.3.3.5. Cr _____ Co-Chair, Regional Planning Committee (*if not HBRC Chair*).
3. Adopts a policy to reimburse Councillors for childcare allowance payments where these payments are incurred, in accordance with the criteria set by the Remuneration Authority, being a contribution towards expenses incurred by the member for childcare provided while the member is engaged on local authority business, and on the basis of reimbursement to the maximum \$6,000 per year per child, on provision of associated receipts or invoices.
4. Adopts the HBRC 2019-20 Elected Members’ Expenses and Allowances Policy as updated to incorporate the decisions made today.

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

Joanne Lawrence
GROUP MANAGER OFFICE OF THE
CHIEF EXECUTIVE AND CHAIR

James Palmer
CHIEF EXECUTIVE

Attachment/s

- | | | |
|---|---|----------------------|
|  1 | Local Government Remuneration Processes | Under Separate Cover |
|  2 | Local Government Members 2019-20 Determination 2019 | Under Separate Cover |

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 06 November 2019

Subject: AFFIXING OF COMMON SEAL

Item 10

Reason for Report

- The Common Seal of the Council has been affixed to the following documents and signed by the Chairman or Deputy Chairman and Chief Executive or a Group Manager.

		Seal No.	Date
1.1	Leasehold Land Sales		
	1.1.1 Lot 122 DP 13055 CT E2/129 - Agreement for Sale and Purchase - Transfer	4354 4355	3 October 2019 8 October 2019
	1.1.2 Lot 243 DP 6421 CT E2/436 - Agreement for Sale and Purchase - Transfer	4356 4363	9 October 2019 30 October 2019
	1.1.3 Lot 1 DP 14683 CT G4/102 - Transfer	4357	9 October 2019
	1.1.4 Lot 7 DP 7201 CT 115/185 - Agreement for Sale and Purchase	4360	30 October 2019
	1.1.5 Lot 8 DP 15123 CT G4/1406 - Agreement for Sale and Purchase - Transfer	4361 4362	30 October 2019 30 October 2019
1.2	Staff Warrants		
	1.2.1 D. Squires N. Zaman <i>(Delegations under Resource Management Act 1991; Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908 and Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.177))</i>	4353 4359	27 September 2019 24 October 2019
	1.2.2 A. Tuffin <i>(Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.177))</i>	4358	10 October 2019

	<p>1.2.3 N. Zaman <i>(Delegations under Biosecurity Act 1993; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.177))</i></p> <p>1.2.4 N. Zaman <i>(Delegations under the Maritime Transport Amendment Act 1994 (Section 33G(a))</i></p> <p>1.2.5 N. Zaman <i>(Delegations under the Hazardous Substances and New Organisms Act 1996 (sections 82A and 82B)</i></p>	<p>4359</p> <p>4359</p>	<p>24 October 2019</p> <p>24 October 2019</p>
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2. The Common Seal is used twice during a Leasehold Land Sale, once on the Sale and Purchase Agreement and once on the Land Transfer document. There is often a delay between the second issue (Land Transfer document) of the Common Seal per property. This delay could result in the second issue of the Seal not appearing until the following month.
3. When reporting leasehold sales or transfers each month, it may appear there are more Common Seals issued than properties sold. This month shows the Common Seal being used 5 times, but only 4 properties sold. This is due to the timing issue noted above, as one Common Seal was for a Land Transfer from last month. The listed sales in the table reflect the true movement of leasehold properties.
4. As a result of sales, the current numbers of Leasehold properties owned by Council are:
 - 4.1. 2 cross lease properties were sold, with 70 remaining on Council's books
 - 4.2. 2 single leasehold properties were sold, with 92 remaining on Council's books.

Decision Making Process

5. Council is required to make every decision in accordance with the provisions of Sections 77, 78, 80, 81 and 82 of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within these sections of the Act in relation to this item and have concluded the following:
 - 2.1 Sections 97 and 88 of the Act do not apply
 - 2.2 Council can exercise its discretion under Section 79(1)(a) and 82(3) of the Act and make a decision on this issue without conferring directly with the community or others due to the nature and significance of the issue to be considered and decided
 - 2.3 That the decision to apply the Common Seal reflects previous policy or other decisions of Council which (where applicable) will have been subject to the Act's required decision making process.

Recommendations

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Confirms the action to affix the Common Seal.

Authored by:

**Trudy Kilkolly
PRINCIPAL ACCOUNTANT RATES AND
REVENUE**

**Diane Wisely
EXECUTIVE ASSISTANT**

Approved by:

**Jessica Ellerm
GROUP MANAGER CORPORATE
SERVICES**

**James Palmer
CHIEF EXECUTIVE**

Item 10

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 06 November 2019

SUBJECT: SCHEDULE OF MEETINGS TO 31 DECEMBER 2019

Item 11

Reason for Report

1. This item provides councillors with the schedule of meetings for the remainder of 2019, listed following.

Date	Start time	Meeting
Wednesday, 6 November	9.00am	First Ordinary Regional Council meeting <i>followed by 30th Anniversary morning tea and Health & Safety due diligence session at Guppy Road (Works Group) office</i>
Monday, 11 November	12.00pm	HB Civil Defence Emergency Management Group Joint Committee meeting and induction
Wednesday, 13 November	10.00am	Joint Regional Briefing Day with all five HB local authorities, at Ellwood Function Centre, 15 Otene Road, Hastings
Wednesday, 20 November	9.00am	Corporate & Strategic Committee meeting followed by Field trip to Dawson's Farm
Thursday, 21 November	9.00am	Councillors' Strategic Planning & Team Building day, East Pier Hotel, Hardinge Road, Napier
Wednesday, 27 November	9.00am 11.00am	Regional Council meeting followed by Regional Planning Committee workshop
Wednesday, 4 December	9.00am	Committee (<i>name to be confirmed</i>) followed by Napier Port tour
Friday, 6 December	10.15am	Regional Transport Committee meeting
Wednesday, 11 December	9.00am 1.30pm	Regional Planning Committee workshop followed by Regional Planning Committee meeting
Wednesday, 18 December	9.00am	Regional Council meeting followed by Civil Defence Emergency Management training at CDEM Hastings

Decision Making Process

2. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That Hawke's Bay Regional Council confirms the Schedule of Meetings to 31 December 2019.

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

Joanne Lawrence
GROUP MANAGER OFFICE OF THE
CHIEF EXECUTIVE AND CHAIR

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 06 November 2019

Subject: DISCUSSION OF MINOR ITEMS NOT ON THE AGENDA

Reason for Report

1. This document has been prepared to assist Councillors note the Minor Items of Business Not on the Agenda to be discussed as determined earlier in Agenda Item 5.

Item	Topic	Raised by
1.		
2.		
3.		
4.		
5.		

Item 12