

Report 13.808
Date 6 September 2013
File E/11/01/04

Committee Council
Author Margaret Meek, Senior Democratic Services Advisor

End of Triennium matters

1. Purpose

To report on a number of matters relating to the end of the 2010-2013 triennium which require consideration by Council.

2. The decision-making process and significance

The matters requiring decision in this report have been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

2.1 Significance of the decision

Officers have considered the significance of the matter, taking into account the Council's significance policy and decision-making guidelines. Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

3. Minutes of last meeting before election

Standing Order No. 3.15.3 provides:

“The Chairperson and the Chief Executive shall authenticate the minutes of the last meeting of the Council prior to the next election of members”.

Minutes of the final meeting on 25 September will be circulated to Councillors as soon as possible following the meeting. Any comments from Councillors will need to be given to the Chairperson by close of business on Friday 4 October. The Chairperson and Chief Executive will make the final decisions regarding any changes sought by Councillors.

The process must be completed prior to election day.

4. Vacation of office

The Local Electoral Act 2001 provides that current Councillors vacate office when the members of the new Council come into office.

Members of the new Council come into office on the day after the date of the Electoral Officer's declaration of the official result of the election, which is given by public notice (expected to be made between 17 and 23 October).

5. Remuneration

Following the election, Councillors will be remunerated in accordance with the remuneration determination to be issued by the Remuneration Authority. The determination will come into force on the day that the members of the new Council come into office and continues until a new remuneration regime is issued by the Remuneration Authority.

6. Discharge of committees

Unless the Council resolves otherwise, all committees, subcommittees or other subordinate decision-making bodies (excluding the Wellington Civil Defence Emergency Management Group) are deemed to be discharged on the coming into office of the new Council.

The Council has resolved that the Wellington Regional Strategy Committee not be discharged at the end of each triennium. However, the terms of the local government members on the Committee will end on 12 October 2013 and the Committee will be unable to meet until the new local government membership is appointed by Council.

The Council has resolved that the Te Upoko Taiao – Natural Resource Management Committee not be discharged at the end of each triennium. The Committee will be unable to meet until the new Council appoints the Councillor membership of the Committee.

Under the Local Government Act 2002 the new Council may replace any members of committees that are not discharged at the end of a triennium.

7. Civil Defence Emergency Management Group

Section 12 of the Civil Defence Emergency Management Act 2002 (CDEM Act) was amended in 2012; this section now states that Civil Defence Emergency Management Groups are not able to be discharged. The Wellington Civil Defence Emergency Management (CDEM) Group will not be discharged at the end of this triennium.

It should be noted that while the CDEM Group continues in existence, there is a period between the declaration of the results of each election and each member making their declaration at their local authority's inaugural meeting when the CDEM Group does not have authority to act; during this period the Minister of Civil Defence can declare a state of local emergency under section 69 of the CDEM Act if necessary.

8. Emergency arrangements

As there will be a period between the election and the first meeting of the new Council when Councillors are unable to act, there is a need for delegation of authority to deal with emergency and some other matters in the “interregnum”. It is proposed that the Chief Executive be authorised to act in any emergency matters in consultation with the appropriate General Manager. Any such matters will be reported to the incoming Council as soon as practicable.

Also, delegations to committees and committee chairs cannot resume until the committee structure and committee terms of reference are confirmed and members appointed. However, once the members of the new Council have made their declarations, a meeting of the full Council can be convened to deal with any significant matters.

The Resource Management Act 1991 (RMA) provides tight statutory timeframes for the consideration of resource consent applications and it may be necessary to commence arrangements for hearings in the period between the existing Council going out of office and the new Council establishing its committee arrangements and delegations to committees and committee chairs, as appropriate. If such circumstances arise, it is proposed that the Chief Executive be authorised to appoint a hearings panel in consultation with the General Manager, Environment Management. It is also proposed that those current Councillors standing for election and holding a RMA Making Good Decisions certification be appointed as hearing commissioners for the period from 12 October 2013 to 31 December 2013. This would enable those Councillors who are re-elected to be appointed to hearing panels in the interregnum, should the need arise.

9. Communication

There is no communication needed as a result of this report.

10. Recommendations

That the Council:

1. **Receives** the report.
2. **Notes** the content of the report.
3. **Authorises** the Chief Executive to act on any emergency matters arising from the time the present Council and its committees are discharged until the members of the new Council make their declarations.
4. **Authorises** the Chief Executive, in consultation with the General Manager - Environment Management, to appoint hearings panels if required to consider any notified resource consent application during the period between the existing Council going out of office and the new Council establishing its committee arrangements and delegations to committees and committee chairs, as appropriate.

5. **Instructs** the Chief Executive to report any such matters to the incoming Council at the first appropriate opportunity.
6. In accordance with section 34A of the Resource Management Act 1991, **appoints**:

*Jenny Brash
Paul Bruce
Barbara Donaldson
Chris Laidlaw
Daran Ponter*

as hearings commissioners for the period from 12 October 2013 until 31 December 2013, and delegates to them all those functions and powers that are provided to the current Te Upoko Taiao – Natural Resource Management Committee under its Terms of Reference necessary to hear and decide on resource consent and restricted coastal activity applications when they are appointed to a hearings panel.

7. **Notes** that any commissioner appointed in accordance with (6) above will be remunerated at the same rate as paid to a Councillor.
8. **Notes** that the Wellington Regional Strategy Committee shall not be deemed to be discharged on the coming into office of the members elected at the 2013 triennial general election of the Council.
9. **Notes** that Te Upoko Taiao – Natural Resource Management Committee shall not be deemed to be discharged on the coming into office of the members elected at the 2013 triennial general election of the Council.
10. **Notes** that the Wellington Civil Defence Emergency Management Group shall not be deemed to be discharged on the coming into office of the members elected at the 2013 triennial general election of the Council.

Report prepared by:

Report approved by:

Report approved by:

Margaret Meek
Senior Democratic Services
Advisor

Francis Ryan
Manager, Democratic
Services

Leigh-Anne Buxton
General Manager, People and
Capability Group