



Report 10.556
Date 21 September 2010
File E/09/17/07

Committee Council
Author Francis Ryan, Manager Democratic Services

End of triennium matters

1. Purpose

To report on a number of matters relating to the end of the 2007-2010 triennium which require consideration by Council.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Minutes of last meeting before election

Standing Order No. 34.2 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 28 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 Monday 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

All members of the current Council are standing for election. The Local Electoral Act 2001 provides that Councillors who face an election 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, which is expected to be made between 13 and 20 October.

5. Remuneration

Following the election, Councillors will be remunerated in accordance with the Local Government Elected Members (2010/11) (Except Auckland) Determination 2010 (details outlined in Councillors' Information Bulletin 2010/34, 9 September 2010). The Determination comes into force on the day that the members and Chairperson of the new Council come into office and continues until a new remuneration regime is recommended by the Council and approved by the Remuneration Authority.

6. Discharge of committees

Unless the Council resolves otherwise, all committees, subcommittees or other subordinate decision-making bodies are deemed to be discharged on the coming into office of the new Council.

The Council at its meeting on 22 February 2007 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 9 October and the Committee will be unable to meet until the new local government membership is appointed by Council.

The Council at its meeting on 18 August 2009 resolved that the Te Upoko Taiao – Natural Resource Plan 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. Continuance of the Wellington Civil Defence Emergency Management (CDEM) Group

The Civil Defence Emergency Management Act 2002 requires that there shall be at all times a CDEM group in existence. This is to ensure that oversight can be provided should an emergency occur between the time councils go out of office and the subsequent appointment of local authority members to their respective CDEM groups.

To implement this requirement, the Council at its meeting on 7 October 2004 (Report 04.517), resolved that the CDEM Group not be deemed to be discharged on the coming into office of the members of the Council elected at any triennial local election.

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.

In addition, it is proposed that the ten current Councillors who have RMA Making Good Decisions certification be appointed as hearings commissioners until 31 December 2010 so that they are available to hear and decide on resource consents in the interregnum, should the need arise. Remuneration would be at the same rate as paid to a Councillor.

9. Communication

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

10. Recommendations

That the Council:

- (1) ***Receives the report.***
- (2) ***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.***
- (3) ***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.***

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

*Judith Aitken
Sally Baber
Paul Bruce
Ian Buchanan
John Burke
Barbara Donaldson
Peter Glensor
Chris Laidlaw
Prue Lamason
Nigel Wilson*

as hearings commissioners for the period from 9 October 2010 until 31 December 2010, and delegates to them all those functions and powers that are provided to the current Regulatory 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.

- (6) **Notes** that any commissioner appointed in accordance with (5) above will be remunerated at the same rate as paid to a Councillor.
- (7) **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 2010 triennial general election of the Council.
- (8) **Notes** that Te Upoko Taiao – Natural Resource Plan Committee shall not be deemed to be discharged on the coming into office of the members elected at the 2010 triennial general election of the Council.
- (9) **Notes** that the Wellington Civil Defence Emergency Management Group and any subcommittee established by that group shall not be deemed to be discharged on the coming into office of the members elected at the 2010 triennial general election of the Council.

Report prepared by:

Report approved by:

Report approved by:

Francis Ryan
Manager Democratic Services

Barry Turfrey
Chief Financial Officer

David Benham
Chief Executive