

NGAKAWAU-HECTOR RESERVE SUBCOMMITTEE

Reports to:

Community Committee

Meeting Frequency:

Annually and as required

Preamble:

The administration of the Ngakawau-Hector Reserves was transferred to the Buller District Council by The Local Government (West Coast Regional) Reorganisation Order 1989. The role of the former Reserve Boards and subsequent Subcommittees has been to manage reserves in accordance with the Reserves Act 1977 for the benefit of the local community and wider Buller District.

In making these Terms of Reference and Delegations Council recognises the functions, powers, and duties delegated to the Ngakawau-Hector Reserve Subcommittee by this document are important to the community and therefore require legislative standards to be met. In making these delegations Council also recognises there are a range of community facilities located on public land that are and will remain in community ownership. These aspects are to be managed through Licences to Occupy and Reserve Management Plans specific to each Reserve.

Terms of reference

Purpose:

1. The purpose of Ngakawau-Hector Reserve Subcommittee (Subcommittee) is to manage the Ngakawau/Hector Recreation Reserve ('the reserve') for the benefit of the local community and wider district in accordance with the Reserves Act 1977 and the Reserve Management Plan (when it is completed and approved) with the support of Council;
2. Develop, in partnership with Council, Reserve Management Plans where required and within Council's budgets as set out in Council's Annual Plan;
3. Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve.
4. Council and the Subcommittee recognise that Council is responsible for the reserve in the district under the Instrument of Delegation for Territorial Authorities (dated 12 June 2013) and as the administering body under S.40 Reserves Act 1977;

Council responsibilities:

1. Council recognises that Reserve Subcommittees are comprised of volunteers (with one elected member) and that in undertaking its work with the Subcommittee it has a responsibility to work in partnership with its subcommittees and their members for the benefit of communities and the region as a whole.
2. The Community Committee will appoint members of the Subcommittees under Schedule 7 s31(2) LGA 2002
3. In partnership with the Subcommittee and local community develop Reserve Management Plans in accordance with S41 Reserves Act 1977, to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.
4. If disputes arise concerning these terms of reference or any other matter concerning the Subcommittee, Council agrees to work cooperatively to find a resolution with all parties adhering to the Principles of Governance as set out in Section 3 of the Council's Code of Conduct;
5. If a dispute resolution cannot be reached, Council agrees to use an appropriate independent mediator to mediate between the parties or an arbitrator to help produce a resolution which is acceptable to both parties and does not in any way contradict the provisions and responsibilities of Council as set out in the LGA 2002 or the Reserves Act 1977;
6. To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and, if required, to provide secretarial support at the meeting.
7. To consider recommendations from the Subcommittee on property (including land & buildings) acquisitions and disposals in relation to the reserve.

General terms of reference:

The Subcommittee:

1. Is to be formally appointed by the Community Committee under S30 (2), Schedule 7 LGA Act 2002, which also has the power:
 - under s30 (5b), Schedule 7 LGA2002 to discharge or reconstitute the subcommittee; and
 - under s31 (2) Schedule 7 LGA 2002 to appoint and discharge any member of the Subcommittee.

2. Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise under s30 (7) Schedule 7 LGA2002.
3. Will have its members formally appointed by the Community Committee following the Local Government triennial election of members (unless the Council resolves otherwise) in the following way:
 - a. Prior to each Local Body election Council to call for expressions of interest from those living within the local area who have the skills, attributes or knowledge that will assist the work of the subcommittee and who have been nominated by at least two residents or ratepayers within the local area;
 - b. A Special Meeting will be called by the Subcommittee and attended by the nominees and public;
 - c. All those attending the Special Meeting can vote on each of the nominees with a majority of votes needed for a candidate's name to be forwarded to the Community Committee for formal appointments;
 - d. On the re-establishment of the subcommittee the Community Committee will formally appoint these individuals to the subcommittee for the period of the triennium.
 - e. If new members are required to be appointed during the triennium the same process above will also be followed
4. Is subject in all things to the control of the Community Committee (s30 (4) Schedule 7 LGA 2002) and must conduct all general and special directions of the Community Committee given in relation to the Subcommittee or its affairs; and
5. Is prohibited from appointing any subordinate body.

Delegations

The delegations to the Subcommittee are as follows:

1. The maintenance and operation of the reserve as necessary for the safe, efficient, and effective management of the reserve
2. The negotiation of Licences to Occupy for the reserve provided such licence shall be temporary in nature (up to 3 years) and capable of being terminated on no more than one month's notice, and be in accordance with the Reserves Act 1977 (Section 74 Licences to Occupy reserves temporarily)

3. The letting of facilities
4. The setting of fees and charges for the reserve (Council to be advised of fees and charges for each following financial year by February of each year)
5. The raising and expenditure of finance (in accordance with the financial delegations below)
6. To enter contracts necessary for the efficient running and suitable use of the reserve in accordance with the financial delegations below;

Financial

Invoices

- All invoices for goods and/or services cost no more than \$10,000 for budgeted items, and \$2,000 for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.
- Approval of the payment of invoices over \$10,000 for budgeted items and \$2,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.

Contracts

- All contracts for goods and/or services costing no more than \$10,000 for budgeted items, and \$2,000 for non-budgeted items may be authorised by the Treasurer and Secretary of the Subcommittee.
- Approval of contracts over \$10,000 for budgeted items and \$2,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority

Exercise of delegations

The exercising of delegations are to be read in conjunction with clause 2.1 (Council Responsibilities) above.

In exercising the delegated powers, the Subcommittee will operate within:

- Policies, plans, standards, or guidelines that have been established and approved by Council;
- The annual budget as approved by the Council.
- All general and special directions of the Community Committee and Council given in relation to the Subcommittee.

Power to delegate

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee, or person.

Cessation of subcommittee

1. The Subcommittee may be terminated by resolution of the Community Committee or Council recognising the matters set out above
2. If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated with the terminated Subcommittee

Matters which are not delegated by council:

The power to:

1. Make a rate or bylaw;
2. Borrow money, or purchase or dispose of assets, unless budgeted for or approved;
3. Acquire, hold, or dispose of land;
4. Appoint, suspend, or remove staff;
5. Institute an action for the recovery of any amount; or
6. Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like.

Membership

The membership of the Subcommittee consists of:

- One elected member (elected under the Local Electoral Act 2001); and
- Appointed members – up to 10,

Officers of the Subcommittee

1. The Subcommittee must have a chairperson, secretary, and treasurer and up to seven committee members who shall be appointed by Council (as outlined in 3.3 above)
2. The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.
3. The Secretary shall summon the meetings, co-ordinate the agenda for meetings and workshops, keep a true record of the proceedings and distribute these to members and the Community committee as soon as practicable – noting that council staff will manage the annual meeting.

4. The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account; and preparing income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports will be June 30th.

Financial accountability

The Subcommittee shall:

1. Develop and approve an annual budget each financial year
2. Provide its Annual budget by the dates specified by Council's Community Committee for approval;
3. Present to the Council any other report it is requested to provide.
4. Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.
5. Provide its Annual Report and Annual Accounts to the Council's Group Manager Corporate Services, by the date specified by Council for review on the understanding this review will form part of the information Council will present during its overall annual Audit. Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

Council has the following two requirements for the review and verification of banking arrangements:

1. Copies of all bank account and investment statements as of 30 June certified as being true and correct by the Chairperson and the Treasurer/Secretary on behalf of the Subcommittee.
2. A letter signed on behalf of the Subcommittee certifying that during the period:
 - no new bank or investment accounts were opened,
 - no monies were borrowed, and
 - no guarantees were sought or given.

The above has been agreed to on the understanding that it does not detract from the ability of an external auditor appointed by the Office of the Auditor-General to request bank confirmation if deemed necessary.

Contact with media

1. All Subcommittee Members are free to express a personal view in the media, at any time, provided that this is:
 - Sanctioned by the Subcommittee Chair; and
 - Does not state or imply that it represents the views of Council, its employees, or officers.

Frequency of meetings

1. The Subcommittee shall hold at least one formal meeting per year.
2. This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meetings if required and preparation and distribution of minutes;
 - For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule.

Conduct of affairs

Subcommittee members, Councillors, and council staff will work together in partnership in accordance with Standing Orders, Council's Codes of Conduct (for both Councillors and Staff), and any relevant legislation.

Quorum

The quorum at a meeting of the Subcommittee shall consist of:

- Half of the members if the number of members (including vacancies) is even; or
- A majority of members if the number of members (including vacancies) is odd.

Remuneration

No honorarium or meeting allowance will be payable to Subcommittee members.

Other delegations and responsibilities

These general provisions and delegations can be superseded by specific Reserve Management Plans and Reserve and Hall Subcommittee Terms of Reference and Delegations in consultation with the subcommittee and as resolved by the Community Committee.