



AGENDA:

SPECIAL MEETING of the Buller District Council

Wednesday 19 October 2022

Commencing at 10:00am

Venue:

Clocktower Chambers

Palmerston Street, Westport.

Buller District Council Swearing In Ceremony

Venue: Clocktower Chambers, Westport. Livestreamed on BDC YouTube Channel



19 October 2022 10:00 AM

Agenda Topic	Page
1. Declaration by Mayor	3
2. Declaration by Councillors and Inangahua Community Board	4
3. Members Interest	5
4. Election of Deputy Mayor	6
5. Appointments to Inangahua Community Board	9

BULLER DISTRICT COUNCIL

19 OCTOBER 2022

AGENDA ITEM 1

Prepared by - Sharon Mason
- Chief Executive Officer

DECLARATION BY MAYOR

1. REPORT SUMMARY

In terms of clause 14 of the seventh schedule of the Local Government Act 2002, the Mayor of a local authority has to make a declaration before he is able to act in his capacity as Mayor.

2. BACKGROUND

In terms of clause 14 of the seventh schedule of the Local Government Act 2002 a person may not act as a member of a local authority until that person has at a meeting of the local authority following the election of that person made an oral declaration and a written version of the declaration has been attested.

In the case of the Mayor, the written declaration must be signed by the Mayor and witnessed by the Chief Executive of the local authority.

3. DECLARATION

The form of the declaration must consist of the following elements:

"I *name* declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Buller District, the powers, authorities, and duties vested in, or imposed upon me as Mayor of the Buller District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act."

Dated at Westport this 19th day of October 2022.

Signature:

Signed in the presence of:
Chief Executive of Buller District Council

BULLER DISTRICT COUNCIL

19 OCTOBER 2022

AGENDA ITEM: 2

Prepared by - Sharon Mason
- Chief Executive Officer

DECLARATION BY COUNCILLORS AND INANGAHUA COMMUNITY BOARD MEMBERS

1. REPORT SUMMARY

In terms of clause 14 of the seventh schedule of the Local Government Act 2002, the member of a local authority has to make a declaration before he/she is able to act in their capacity as Councillor.

2. BACKGROUND

In terms of clause 14 of the seventh schedule of the Local Government Act 2002, a person may not act as a member of a local authority until that person has at a meeting of the local authority following the election of that person made an oral declaration and a written version of the declaration has been attested.

3. DECLARATION

The form of the declaration must consist of the following elements:

"I *name* declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the ward and of the Buller District, the powers, authorities, and duties vested in, or imposed upon me as Member of the *Buller District Council / Inangahua Community Board* by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act."

Dated at Westport this 19th day of October 2022.

Signature:

Signed in the presence of:
Mayor of Buller District Council

BULLER DISTRICT COUNCIL

19 OCTOBER 2022

AGENDA ITEM 3

Prepared by - Sharon Mason
- Chief Executive Officer

MEMBERS INTEREST

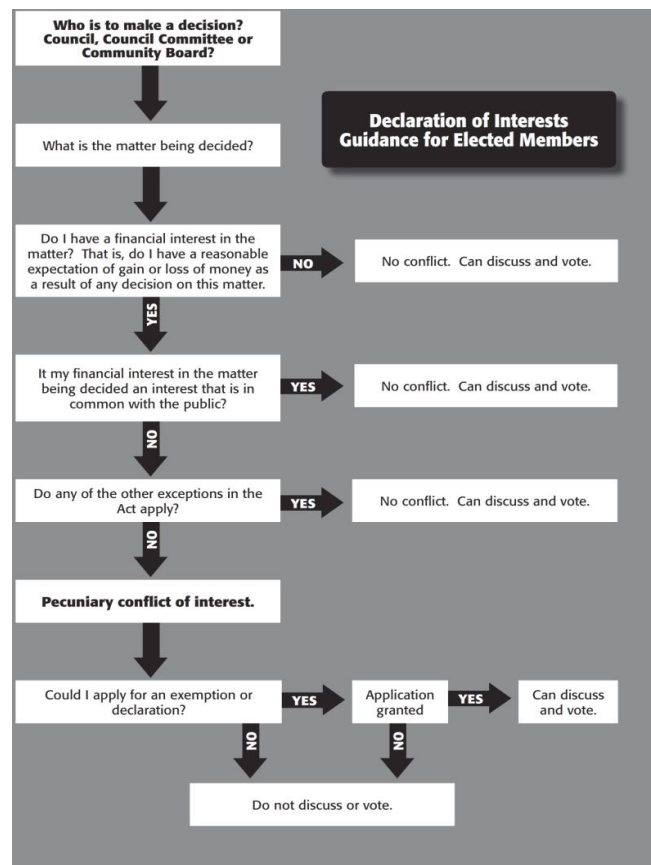
Councillors are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

Councillors are encouraged to advise the Personal Assistant, Chief Executive of any changes required to their declared Members Interest Register.

The flowchart may assist Councillors in making that determination (Appendix A from Code of Conduct).

DRAFT RECOMMENDATION

That Councillors disclose any financial or non-financial interest in any of the agenda items.



BULLER DISTRICT COUNCIL

19 OCTOBER 2022

AGENDA ITEM: 4

Prepared by - Rachel Townrow
- Deputy Chief Executive Officer

Reviewed by - Sharon Mason
- Chief Executive Officer

ELECTION OF DEPUTY MAYOR

1. REPORT SUMMARY

The Council is required in terms of section 17 of the seventh schedule of the Local Government Act to elect a Deputy Mayor.

2. BACKGROUND

section 17 of the seventh schedule of the Local Government Act 2002 states as follows:

17. *Election of deputy mayor or deputy chairperson -*

1. *A territorial authority must elect one of its members to be its deputy mayor in accordance with clause 25.*
2. *A regional council must elect one of its members to be its deputy chairperson in accordance with clause 25.*
3. *The deputy mayor or deputy chairperson must perform all the responsibilities and duties, and may exercise all the powers, of the mayor or chairperson, -*
 - (a) *with the consent of the mayor or chairperson, at any time during the temporary absence of the mayor or chairperson.*
 - (b) *without that consent, at any time while the mayor or chairperson is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office.*
 - (c) *while there is a vacancy in the office of the mayor or chairperson.*
4. *In the absence of proof to the contrary, a deputy mayor or deputy chairperson acting as mayor or chairperson is presumed to have the authority to do so.*
5. *A deputy mayor or deputy chairperson continues to hold his or her office as deputy mayor or deputy chairperson, so long as he or she continues to be a member of the territorial authority or regional council, until the election of his or her successor.*

While the section above remains in force, it now has to be read in conjunction with a new section 41A, which was introduced into the Local Government Act 2002, by way of Local Government Act 2002 Amendment Act 2012.

“41A Role and powers of mayors

“(1) *The role of a mayor is to provide leadership to—*

- “(a) *the other members of the territorial authority; and*
- “(b) *the people in the district of the territorial authority.*

“(2) *Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority’s plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.*

“(3) *For the purposes of subsections (1) and (2), a mayor has the following powers:*

- “(a) *to appoint the deputy mayor;*
- “(b) *to establish committees of the territorial authority;*
- “(c) *to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—*
 - “(i) *may make the appointment before the other members of the committee are determined; and*
 - “(ii) *may appoint himself or herself.*

“(4) *However, nothing in subsection (3) limits or prevents a territorial authority from—*

- “(a) *removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or*
- “(b) *discharging or reconstituting, in accordance with clause 30 of Schedule 7, a committee established by the mayor under subsection (3)(b); or*
- “(c) *appointing, in accordance with clause 30 of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or*
- “(d) *discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).*

“(5) *A mayor is a member of each committee of a territorial authority.*

“(6) *To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).*

“(7) *To avoid doubt,—*

- “(a) *clause 17(1) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power in subsection (3)(a);*
- “(b) *clauses 25 and 26(3) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.”*

The important clause in this section is (7)(a). To avoid doubt, the Mayor has the power to appoint the Deputy Mayor. Should the Mayor choose not to he needs to explicitly advise the Council that he is declining to exercise his power to appoint the Deputy Mayor. Should this occur the procedure reverts to clause 17 of schedule 7 of the Local Government Act 2002.

The Mayor elect has advised that he wishes to exercise this power, and appoint Andrew Basher as Deputy Mayor.

The procedural steps are therefore as follows:

1. The Mayor needs to formally advise the Council whether or not he intends to appoint the Deputy himself.
2. That decision should then be formalised by a resolution to either receive the information of the Mayor's appointment of the named Deputy Mayor, or alternatively record that the Mayor has declined to make an appointment. Both votes are by simple majority.
3. If the Mayor has declined to make an appointment, the Council moves to clause 25 and must decide the voting method as either 'System A', or 'System B'. This vote is by simple majority.
4. Once the method is decided, nominations are called for the voting completed, according to the preferred method.

3. DRAFT RECOMMENDATION

That Council receives the report for information and notes:

That Mayor Jamie Cleine has exercised the power that the Mayor has in accordance with 41A(3)(a) Local Government Act 2002 Amendment Act 2012 and appointed Andrew Basher as Deputy Mayor

BULLER DISTRICT COUNCIL

19 OCTOBER 2022

AGENDA ITEM 5

Prepared by – Sharon Mason
– Chief Executive Officer

APPOINTMENTS TO INANGAHUA COMMUNITY BOARD

1. REPORT SUMMARY

That Council needs to make appointments to the Inangahua Community Board.

2. BACKGROUND

Membership of community boards is governed by Section 50 of the Local Government Act 2002, and Section 19F of the Local Electoral Act 2001.

The Electoral Officer has declared that -

- Linda Webb
- Graeme Neylon

are elected members.

3. OPTIONS

The Council can decide to make appointments or decide not to make appointments.

If a decision is made to make appointments, then the appointments must be Council members elected in the Ward in which the community board is situated.

Elected councillors from within the Ward can make a personal decision as to whether or not they are available for appointment.

4. PROCEDURAL STEPS

1. Council should decide if it wishes to make appointments.
2. If there is a decision to make appointments then individual councillors should indicate if they are available.
3. Any appointments can then be formalised by resolution.

5. DRAFT RECOMMENDATION

That Council appoint the following to the Inangahua Community Board;

- **Linda Webb**
- **Graeme Neylon**