



Governance Structure

**Terms of Reference and Delegations for Council,
and Committees of Council**

2022 - 2025 Triennium

Amended 27 March 2024

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Introduction

Governance Structure

This document sets out the Governance Structure by which Buller District Council:

- carries out its governance functions; and
- formally delegates its powers and responsibilities.

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002 and is based on the following Governance principles:

1. To have as few governance levels as possible.
2. The business of Council is transacted transparently and inclusively, whenever possible
Committees are the whole of Council.
3. Decisions are made once, not twice. Draft recommendation to Committee. Committee recommendation to Council for adoption.
4. Committees are strategically aligned to Council's priorities.
5. Delegations to Committees and the Chief Executive Officer are optimised.
6. The expectation of full attendance by Elected Members at Council and the Risk and Audit Committee meetings.

The Governance Structure for Buller District Council is adopted at the beginning of each triennium. It sets out in full the delegations to the Risk and Audit Committee.

The Governance Structure may also be reviewed and amended as necessary throughout the Triennium.

The Role of the Mayor

Section 41A of the Local Government Act 2002 confers a number of powers and responsibilities to the Mayor.

The Mayor may:

- Define and promote a vision for the advancement of Buller and the people of Buller, and provide leadership to achieve that vision.
- Lead the development of council plans, policies and budgets (including the Annual Plan and Long Term Plan) for consideration by the Council.
- Ensure effective engagement between the Council and the people of Buller.
- Appoint the Deputy Mayor.
- Establish committees of the governing body (Council) and appoint the chairperson and deputy chairperson for each of those committees.

Non-elected Māori Representative Position

The inclusion of a non-elected, Iwi Representative role into the Buller District Council Governance structure formally recognises the importance of the crucial relationship with Te Rūnanga o Ngāti Waewae.

Te Rūnanga o Ngāti Waewae will have a non-elected, voting Māori Representative position on all Council Committees and will hold a non-elected, non-voting Māori Representative position at full Council meetings. Te Rūnanga o Ngāti Waewae are already legally recognised as mana whenua by Council in regard to meeting its existing obligations under legislation around consenting.

The appointment further strengthens, develops and extends the Council relationship with Te Rūnanga o Ngāti Waewae especially across Council's wider cultural, social, economic, environmental and legal interests in regard to its district obligations.

Under the Crown's obligations arising from Te Tiriti o Waitangi, Te Rūnanga o Ngāti Waewae as mana whenua are always going to be heavily engaged in future direction setting for the West Coast Te Tai Poutini in general, and also, specifically, for the Buller district. For Council then, a strong and positive relationship with Te Rūnanga Ngāti Waewae is important on every level.

Ambiguity and Conflict

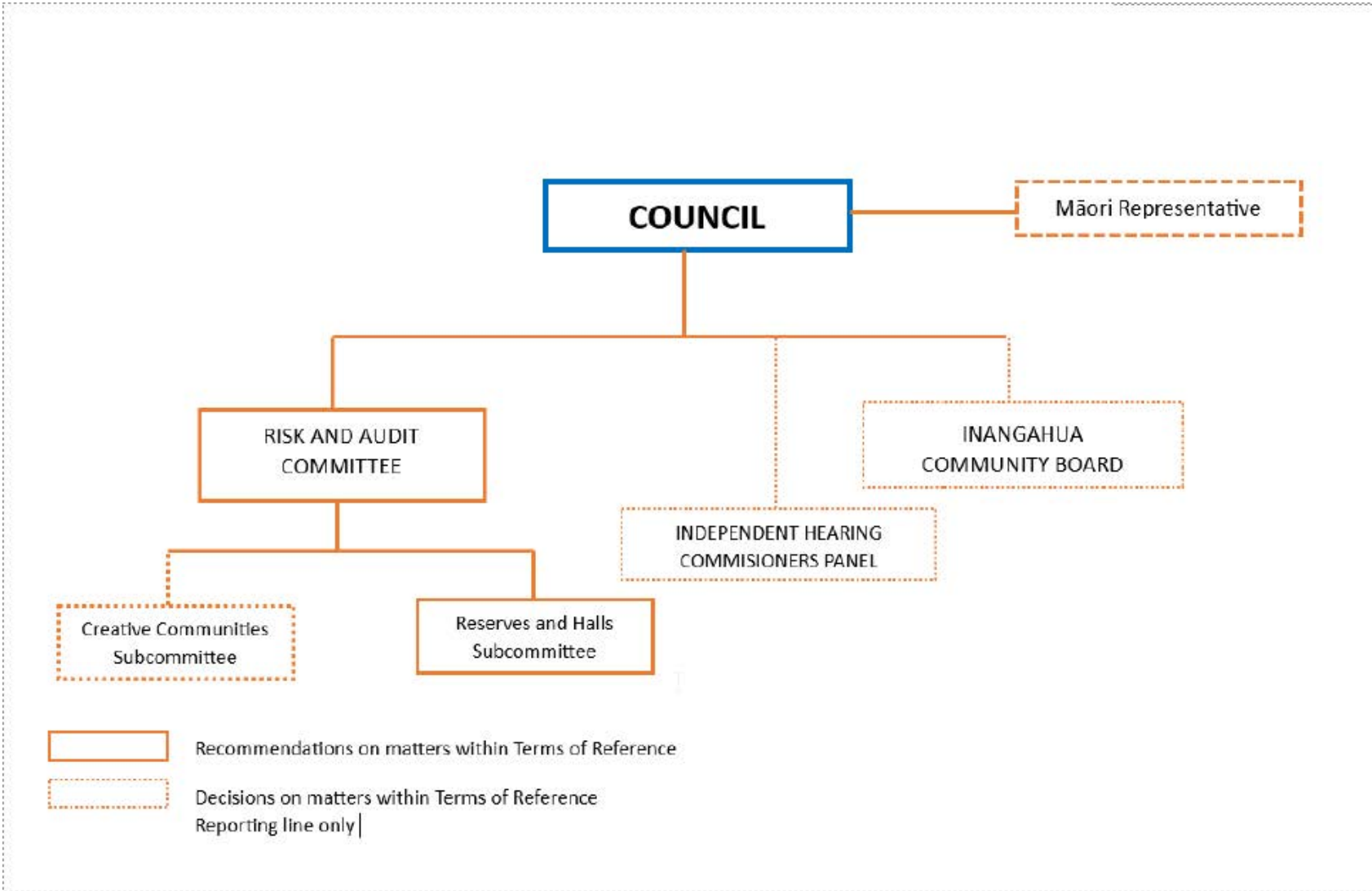
For clarity, matters that are not delegated by the Council to a committee or another subordinate decision-making body, or to the Chief Executive Officer or other Council officer, are to be determined by the whole of Council.

In the event of uncertainty or dispute as to the authorisation of the Risk and Audit Committee to act in respect of a particular matter, due to ambiguity or conflict between the provisions of the Terms of Reference, the Chief Executive Officer will prepare a written report on the matter for Council's consideration. The decision of Council will be final and binding.

Interpretation

References to legislation in this Governance Structure include its amendments, re-enactments and substitutions, as well as any regulations made under that legislation.

Council and Committees of Council



Council

Chairperson:	Mayor
Membership:	The Mayor and all Councillors
Meeting Frequency:	Monthly – or as required
Quorum:	A majority of members (including vacancies)

Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Buller district.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to set district rates.
 - b) The power to create, adopt and implement a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive Officer.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy for Chief Executive Officer.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority of other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) Health & Safety obligations and legislative requirements are met.

2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
 - d) Approval of the Triennial Agreement.
 - e) Approval of the local governance statement required under the Local Government Act 2002.
 - f) Approval of a proposal to the Remuneration Authority for the remuneration of Members.
 - g) Approval of any changes to the nature and delegations of the Committees.
 - h) Approval of funding to benefit the social, cultural, arts and environmental wellbeing of communities in Buller District
 - i) Ensuring Buller is performing to the highest standard in the area of civil defence and emergency management through:
 - i) Implementation of Government requirements
 - ii) Contractual service delivery arrangements with the West Coast Regional Group Emergency Management Office
 - j) All other powers and responsibilities not specifically delegated to the Risk and Audit Committee, subcommittees, independent hearing panels or Inangahua Community Board.

Risk and Audit Committee

Reports to:	The Council
Independent Chairperson:	Sharon Roche
Membership:	The Mayor, all Councillors and Māori
Meeting Frequency:	Representative Bi-Monthly
Quorum:	A majority of members (including vacancies)

GENERAL PRINCIPAL

1. The work of this Committee will be in accordance with the priorities and work programme agreed by the Council.
2. This Committee has the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets. Subject to confirmation of compliance with the financial strategy.

PURPOSE

The Risk and Audit Committee is responsible for:

1. Monitoring Council's financial strategy, and financial performance against the Annual and Long Term Plans.
2. Monitoring Council's interests in its Council Controlled Organisations (CCOs).
3. Reviewing the Council's risk register and associated process for managing current and emerging risk.
4. Ensuring the independence and effectiveness of Council's External and Internal Audit processes.
5. Monitoring existing corporate policies and recommending new or amended policies as required.
6. Ensuring that Council policies and practices will prevent unethical, questionable or illegal activities.
7. Providing a communication link between management, internal auditors/external auditors and Council.
8. Supporting measures to improve management performance and internal controls.
9. Ensuring Council's Polices and Bylaws are fit for purpose and comply with all relevant legislation.
10. Guiding the development of Council's Climate Change Adaptation Plan

TERMS OF REFERENCE:

General

1. To receive regular reports regarding Council's financial and non-financial performance against Annual and Long Term Plans.
2. To consider reports related to significant expenditure outside of the Annual and Long Term Plans and make appropriate recommendations to Council.
3. To develop and monitor policy related to the following matters:
 - a) Financial management;

- b) Revenue generation;
 - c) Procurement and tendering; and
 - d) The appointment and remuneration of directors and CCOs
4. To monitor the probity of processes relating to policies developed by the Risk and Audit Committee.
 5. To provide clear direction to Council's CCOs on Council's expectations, including feedback on draft statements of intent.
 6. To receive Quarterly reports of Council's CCOs, including board performance.
 7. To undertake any reviews of CCOs and make appropriate recommendations for approval by Council.
 8. Review CCO requests for major transaction approval and recommend appropriate actions to Council.
 9. To monitor Council's debt and investments to ensure compliance with Council policy.
 10. To monitor the Council's outstanding debtors' positions.
 11. Engage with Council's external auditors regarding the external audit work programme and agree the proposed terms and arrangements of the external audit.
 12. Assess management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.

Internal Audit

13. Agree the scope of internal audits.
14. Monitor the delivery of the internal audit work programme and results
15. Assess whether Internal Audit's recommendations have been properly implemented by management.
16. Review the annual Internal Audit Plans to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.

Strategy, plans and policy

17. Develop and agree to strategies, plans and policies for the purposes of consultation and/or engagement with community.
18. Recommend to Council for adoption.
19. Monitor and review as and when required.

Bylaws

20. Develop and agree to the statement of proposal for new or amended draft bylaws for consultation.
21. Recommend to Council new or amended bylaws for adoption.

Consultation and engagement

22. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
23. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy.
24. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations, making determinations on such matters unless they are reserved for Council to decide.

Submissions and legislation

25. Approve submissions to external bodies/organisations on legislation and proposals, related to the Committee's areas of responsibility, that impact governance policy or matters.
26. Monitor and oversee strategic projects and programmes.
27. Monitor Council's Asset Management Plans/Strategic Infrastructure Plan.

Contracts

28. Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:
 - a. Do not require the approval of the whole of Council; and
 - b. Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation.

Reserves and Halls Subcommittees

29. Monitor and oversee the Reserves and Halls Subcommittees.

Creative Communities Subcommittee

30. Monitor and oversee the Creative Communities Subcommittee.

Other Matters

31. Review the effectiveness of the risk control environment established by management to safeguard Council's financial and non-financial assets, including the adequacy and appropriateness of insurance policies in place and management's actions to mitigate risks
32. Review the effectiveness of the systems for monitoring the Council's compliance against legislation, regulation, policy, and guidelines (including health and safety).
33. Conduct and monitor special investigations in accordance with Council policy and approved budget or in response to material matters raised by staff or committee members, including engaging expert assistance, on matters within its Terms of Reference.
34. Provide an annual review of Council's risk management framework and amend as required.
35. Review and monitor business continuity planning.
36. Consider and make decisions which are within the Chief Executive Officer's delegations, and which the Chief Executive Officer has referred to the Committee for recommendation to Council.
37. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive Officer or other Council officers.
38. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council.
39. Monitor Audit recommendations and ensure completion.

The Committee is delegated the following powers:

- The Committee may make recommendations to Council.
- The Committee will provide three-monthly reports to Council on its activities with appropriate recommendations.

Special Notes:

- In fulfilling their role on the committee, members shall be impartial and independent at all times.
- The Chairperson will be an independent appointment, not an elected member, to strengthen the independent nature of the Committee's monitoring responsibility of Council activities.
- Members are appointed for an initial term of no more than three years that aligns with the triennial elections, after which they may be eligible for extension or reappointment.
- The Chief Executive Officer and Chief Financial Officer are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the Committee meetings, as required.
- The Chairperson of the Committee shall review the travel and other reimbursed expenses of the Chief Executive Officer and confirm compliance with Council policies and practice. This information will be provided to the Chairperson on a monthly basis.
- The Chairperson shall review the travel and other reimbursed expenses of the Mayor and confirm compliance with Council policies. This information will be provided to the Chairperson on a monthly basis.
- The Chief Executive Officer (Principal Advisor) shall be responsible for drawing to the Committee's immediate attention to any material matter that relates to the financial condition of Council, any material breakdown in internal controls, and any material event of fraud or malpractice.
- The Chairperson shall present an annual Audit and Risk Self Review to Council summarising the Committee's activities during the year and any related significant results and findings.

Reserves And Halls Subcommittees

Reports to: Risk and Audit Committee

Meeting Frequency: Annually and as required

1. PURPOSE:

- 1.1 The purpose of Reserve and Hall Subcommittee is to manage the X reserve and hall with the support of Council;
- 1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and as the administering body (specific to each reserve) under S.40 Reserves Act 1977.

2. COUNCIL RESPONSIBILITIES:

- 2.1 The Risk and Audit Committee will appoint members of the Subcommittees under Schedule 7 cl31(2) LGA 2002
- 2.2 In partnership with the Subcommittee and local community endeavour to 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.
- 2.3 If disputes arise concerning these terms of reference or any other matter concerning the Subcommittee, cooperatively work 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;
- 2.4 If a dispute resolution cannot be reached, 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;
- 2.5 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;

3. GENERAL TERMS OF REFERENCE:

The Subcommittees

- 3.1 Are to be formally appointed by the Risk and Audit Committee under cl30 (2), Schedule 7 LGA Act 2002, which has the power under cl30(b), Schedule 7 LGA2002 to discharge or reconstitute the subcommittee and under cl31(2) to appoint and discharge members of the Subcommittee
- 3.2 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
- 3.3 Will be formally appointed by Council following the Local Government triennial election of members in the following way:

Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area and have the skills, attributes, or knowledge that will assist the work of the subcommittee

- 3.4 Is subject in all things to the control of the Risk and Audit Committee (s30 (4) Schedule 7 LGA 2002) and must carry out all general and special directions of the Risk and Audit Committee given in relation to the Subcommittee or its affairs;
- 3.5 Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Risk and Audit Committee and/or Council, whichever is appropriate; and
- 3.6 Is prohibited from appointing any subordinate body.

4. The role of Reserve and Halls Subcommittees is to:

- 4.1 Manage the reserve and hall for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan when it is completed and approved;
- 4.2 Develop, in partnership with Council, Reserve Management Plans where required and within Council's budgets as set out in Council's Annual Plan;
- 4.3 Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve or hall.
- 4.4 Develop and approve an annual budget each financial year to achieve 4.1 above

5. Delegations

The delegations to the Subcommittee are as follows:

- 5.1 The maintenance and operation of the reserve
- 5.2 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
- 5.3 The letting of facilities
- 5.4 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)
- 5.5 The raising and expenditure of finance (in accordance with the financial delegations below)
- 5.6 To enter contracts necessary for the efficient running and suitable use of the reserve in accordance with the financial delegations below;

6. FINANCIAL

6.1 Invoices

All invoices for goods and/or services costing 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 for 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.

6.2 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

7. EXERCISE OF DELEGATIONS

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

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

8. POWER TO DELEGATE

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

9. CESSATION OF SUBCOMMITTEE

9.1 The Subcommittee may be terminated by resolution of the Risk and Audit Committee or Council;

9.2 If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee

10. Matters which are not delegated by council:

10.1 The power to:

- Make a rate or bylaw;
- Borrow money, or purchase or dispose of assets;
- Acquire, hold or dispose of property;
- Appoint, suspend or remove staff;
- Institute an action for the recovery of any amount; or
- Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like

10.2 The powers and duties conferred or imposed on Council by The Public Works Act 1981 or those powers listed in the Section 34 (2) of The Resource Management Act 1991

11. Membership

The membership of the Subcommittee consists of:

11.1 One Ward member elected under the Local Electoral Act 2001; and

11.2 Appointed members – up to 10 following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area and have the skills, attributes, or knowledge that will assist the work of the subcommittee

12. Officers of the Subcommittee

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)

12.1 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.

12.2 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 Risk and Audit committee as soon as practicable. Noting that the annual or biennial formal meeting will be managed by council staff.

12.3 The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account; and to prepare 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 shall be June 30th.

13 FINANCIAL ACCOUNTABILITY

13.1 The Subcommittee shall:

- i) Develop and approve an annual budget each financial year
- ii) Provide its Annual budget by the dates specified by Council's Risk and Audit Committee for approval;
- iii) Present to the Council any other report it is requested to provide.
- iv) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.

- v) Provide its Annual Report and Annual Accounts to the Council's Chief Financial Officer, 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.

13.2 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.

14 CONTACT WITH MEDIA

Chairperson may speak on behalf of the subcommittee provided that:

- i) media comments must not state or imply that they represent the views of the Council;
- ii) where the chair is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;
- iii) media comments must observe the other requirements of the Code (of Conduct), e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and
- iv) media comments must not be misleading and should be accurate within the bounds of reasonableness.

All Subcommittee Members are free to express a personal view in the media, at anytime, provided i) to iv) above are observed.

15 Frequency of meetings

15.1 The Subcommittee shall hold at least one formal meeting per year.

15.2 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 meeting if required and preparation and distribution of minutes;

15.3 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

16 CONDUCT OF AFFAIRS

The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, and Council's Standing Orders and Code of Conduct.

17 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.

18 REMUNERATION

No honorarium or meeting allowance will be payable to Subcommittee members unless first agreed by formal resolution of the Risk and Audit Committee.

19 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 Risk and Audit Committee.

Creative Communities Subcommittee

Reports to: Risk and Audit Committee

Chairperson: [to be elected by the subcommittee]

Meeting Frequency: As required

Quorum: A majority of members (including vacancies)

Purpose:

The Creative Communities Subcommittee is the assessment committee for assessing applications and allocating funding provided to Council by Creative New Zealand through the Creative Communities Scheme.

Terms of Reference:

The Creative Communities Subcommittee considers local community arts applications to the Creative Communities Scheme and make grants in terms of the criteria specified by the scheme's funders, Creative New Zealand.

The Subcommittee is delegated the following powers:

The Creative New Zealand Community Funding Sub-Committee has full delegated authority to make distributions from the funding received annually from Creative New Zealand.

The Committee is delegated the following recommendatory powers:

- The Subcommittee may make recommendations to the Risk and Audit Committee on local priorities for arts participation.

Special Notes:

- The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee, or person.
- Verbal updates may be requested to be provided to Risk and Audit Committee meetings from the Group Manager Community Services from time to time.

Chairperson

The Subcommittee must have a chairperson who shall be elected by Subcommittee members at the first meeting of the Subcommittee.

The chairperson is responsible for:

1. The efficient functioning of the Subcommittee.
2. Setting the agenda for Subcommittee meetings.
3. Ensuring that all members of the Subcommittee receive sufficient timely information to enable them to be effective Subcommittee members.
4. Attending Risk and Audit Committee meetings as required to represent the interests of the Subcommittee.
5. Being the link between the Subcommittee and Council staff.

Contacts with media and outside agencies

The Mayor acts as the official spokesperson for the Council with the media and may provide approval to elected members to act as an official spokesperson.

Subcommittee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council.

The Council, after consultation with the Subcommittee Chair, will manage the formal communications between the Subcommittee and the community in the exercise of its business.

Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff.

Frequency of meetings

The Subcommittee shall hold formal meetings as required for funding rounds.

Conduct of affairs

The Subcommittee shall conduct its affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1987*, the *Local Authorities (Members' Interests) Act 1968*, and Council's Standing Orders and Code of Conduct.

Quorum

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

1. Half of the members if the number of members (including vacancies) is even; or
2. 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

None

Independent Hearings Commissioners' Panel

Reports to: The Council

Chairperson: As appropriate

Membership - with up to three sitting at any one time (including the Chairperson, if required):

Meeting Frequency: As required

Purpose:

To undertake certain hearings under the Resource Management Act 1991 ('RMA'), unless otherwise reserved by full Council.

The Panel is delegated the following Terms of Reference and powers:

Terms of Reference:

1. The power to hear and decide any of the following RMA matters:
 - a) Application for a resource consent or change to conditions of resource consent;
 - b) Notice of objection; or
 - c) Notice of requirement to designate land and later a designation; for a heritage order and alteration to a heritage order.
2. The power to exercise all procedural powers under the RMA relevant to the matter to be heard from the date selection being confirmed by the Group Manager Regulatory Services until the date the final decision is delivered by the hearings commissioner(s).
3. The power to select a hearings chairperson; and give the chairperson, if one is selected, a casting vote.

Special Notes:

- The Group Manager Regulatory Services is delegated authority to select the Hearings Commissioner/s from the appointed list to hear and decide RMA matters within the Terms of Reference.

Inangahua Community Board

Reports to: Council

Meeting Frequency: Bi Monthly

Purpose:

1. The purpose of these delegations is to give effect to the local community empowerment model which is a partnership approach to the governance of the District that will primarily be delivered through the Inangahua community board.
2. The intent of these delegations is to delegate authority and, as far as possible, responsibility to the Inangahua community board to allow the community board to effectively govern and provide recommendations to the Buller District Council regarding local issues associated with their areas.
3. In making these delegations the Council recognises that it is ultimately responsible for the governance of the district and therefore retains the right to set minimum standards and to review community board recommendations associated with the exercise of these delegations.

In making these delegations the Council undertakes to:

1. Provide for and give consideration to community board input into significant governance decisions affecting the respective community board area.

The ICB is delegated the following Terms of Reference and powers:

Terms of Reference:

Community Board Status

A community board (Local Government Act 2002, s.51) is:

1. An unincorporated body; and
2. Not a local authority; and
3. Not a committee of the Council.

Role

The legislative role of community boards (*Local Government Act 2002, s.52*) is to:

1. Represent, and act as an advocate for, the interests of its community, and
2. Consider and report on all matters referred to it by Council, or any matter of interest or concern to the community board: and
3. Maintain an overview of services provided by the Council within the community: and
4. Prepare an annual submission to the Council for expenditure within the community: and
5. Communicate with community organisations and special interest groups within the community: and
6. Undertake any other responsibilities delegated to it by Council.

Delegations

In exercising the delegated powers, the community board will operate within:

1. Policies, plans, standards or guidelines that have been established and approved by Council:
2. The approved Council budgets for the activity

In addition to the community boards legislative role the community board is responsible for and accountable to the Council for:

1. Providing local leadership and developing relationships with Council, the community, and community organisations in developing local solutions within the Community board area.
2. Assisting the organisation with consultation with local residents, ratepayers, Iwi, community groups and other key stakeholders on local issues including input into the Long Term Plan and the Annual plan.
3. Making recommendations to Council on leases, licenses or concessions associated with all Council owned property included within the locally funded activities of the community board area, excluding Council administration land and buildings.
4. Making recommendations to council on property (including land & buildings) acquisitions and disposals in the local area.

Note:

None of the delegations may be sub delegated

1. Council retains decision making authority associated with new or existing maintenance contracts.

Additional financial delegations

Community Board has the authority to approve annual expenditure from a discretionary fund determined by Council on an annual basis, for local activities with the following parameters:

1. The decision meets relevant legislation and Council policy requirements including any controls on the use of funds from the respective account.
2. The decision is made after considering a report from staff or community members.
3. This expenditure may be operating or capital in nature, or a mixture of the two.
4. This expenditure cannot fund the “additional capacity” component of capital projects. It can only fund renewal or increased level of service components of capital projects

Power to delegate

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

Matters which are not delegated.

Council does not delegate:

1. The power to:
 - Make a rate or bylaw.
 - Borrow money, or purchase or dispose of assets.
 - Acquire, hold or dispose of property.
 - Appoint, suspend or remove staff.
 - Adopt a long term plan or annual plan or annual report.
 - Institute an action for the recovery of any amount.
 - Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By –laws and the like.
 - Enter into contracts and agreements.
 - Incur expenditure in excess of the approved Community budget; or
2. The powers and duties conferred or imposed (on Council) by The Public Works Act 1981 or those powers listed in the Section34 (2) of The Resource Management Act 1991

Review of a Community Board decision

In recognition of Council’s ultimate responsibility for the governance of the District, that Council retains the right to review any decision of a community board where it believes:

1. The decision is not consistent with the Council’s vision, mission, values and goals.
2. Where it believes the community board decision has contravened any relevant legislation.
3. The powers and functions of community boards as defined in the Local Government Act 2002 have been exceeded.
4. The delegations of the community board have been exceeded.
5. The decision will unduly impact on the ability of the Council to provide a district wide level of service where it believes it is necessary to do so.
6. The decision is contrary to the Council’s Ten Year Plan, adopted council policy, plan or strategy or any other authority, license, consent or approval.

Decision review process

A decision to review and determine the associated course of action associated with a community board decision will be made jointly by the Mayor and Chief Executive. The relevant community board chairperson will be consulted in the process of the Council determining whether a community board decision will be reviewed. Generally the course of action will include one of the following:

1. Refer the decision back to the community board for reconsideration; or
2. Refer the decision to the Council, one of its committees or its delegated representative for determination.

Community Board to Council decision referral process

In exceptional circumstances, community boards may refer any decision to Council or its delegated committee for determination subject to that referral including the reasons the decision has been referred to the Council for determination.

Membership

The membership of the community board (Local Government Act 2002, s.50) consists of:

1. Members elected under the Local Electoral Act 2001; and
2. Members appointed in accordance with the Local Electoral Act 2001 by the Buller District Council.

Chairperson

The community board must have a chairperson (Local Government Act 2002, Schedule 7, Clause 37), who shall be elected at the first meeting of the community board in accordance with the Local Government Act 2002, Schedule 7, Clause 25 or in accordance with any subsequent amendment to this Act.

The chairperson is responsible for:

1. The efficient functioning of the community board.
2. Setting the agenda for community board meetings.
3. Ensuring that all members of the community board receive sufficient timely information to enable them to be effective community board members.
4. Attending Council meetings to represent the interests of the Community Board.
5. Being the link between the community board and Council staff.

Contacts with media and outside agencies

The Mayor acts as the official spokesperson for the Council with the media and may provide approval to elected members to act as an official spokesperson.

Community board members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council.

The Group Manager for the community board area, after consultation with the Community Board Chair, will manage the formal communications between the community board and its constituents, and for the community board in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff.

Frequency of meetings

The community board shall meet at least two monthly.

Conduct of affairs

The community board shall conduct its affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1987*, the *Local Authorities (Members' Interests) Act 1968*, Councils Standing Orders and Code of Conduct.

Quorum

The quorum at a meeting of the community board shall consist of:

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

Remuneration

Elected members will be reimbursed in accordance with the current Local Government Elected Members' Determination.

Appointments

Council Organisations and Council Controlled Organisations

Buller Holdings

Reports to: Risk and Audit Committee
Membership: Mayor Jamie Cleine and Deputy Mayor Andrew Basher

Joint Organisations and Advisory Groups

Regional Transport Committee

Reports to: Council
Membership: Phil Grafton

West Coast Road Safety Co-ordinating Committee

Reports to: Council
Membership: Grant Weston

Civil Defence Emergency Management Group (Joint Committee)

Reports to: Council
Membership: Mayor Jamie Cleine

West Coast Primary Health Organisation Representative

Membership: Graeme Neylon (on a 3-year term)

West Coast Health Localities Project

Membership: Graeme Neylon

Te Tai o Poutini Plan (TTPP)

Reports to: Council
Membership: Mayor Jamie Cleine & Graeme Neylon **Reserve Member:** Joanne Howard

Projects in Partnership Steering Group

Reports to: Risk and Audit Committee
Membership: Mayor Jamie Cleine, Phil Grafton, Chair of Finance, Risk and Audit Committee, representatives from relevant partner agencies may be invited to attend as required.

Westport Rating District Joint Committee

Reports to: Council
Membership: Mayor Jamie Cleine, Joanne Howard & Colin Reidy

Dolomite Point Redevelopment Project Steering Group

Reports to: Council
Membership: Joanne Howard

Carnegie Library Restoration Working Group

Reports to: Council
Membership: Rosalie Sampson

Regional Housing Forum

Reports to: Council
Membership: Rosalie Sampson

Social Hub Feasibility Working Group

Reports to: Council
Membership: Joanne Howard