

**Mayor and Councillors**  
COUNCIL

7 NOVEMBER 2013

Meeting Status: **Public**

Purpose of Report: For Decision

## **APPOINTMENT OF COUNCILLORS TO EXTERNAL ORGANISATIONS**

### **PURPOSE OF REPORT**

- 1 This report seeks Council's approval of:
  - An amendment to the Policy on the Appointment of Directors of Council Organisations
  - Council's appointments to external organisations in accordance with the policy.

### **SIGNIFICANCE OF DECISION**

- 2 This report does not trigger the Council's Significance Policy.

### **BACKGROUND**

- 3 Council organisations are defined as organisations in which one or more local authorities control any proportion of the voting rights or rights to appoint directors. This definition is very wide and draws in many quite small community organisations.
- 4 Under the Local Government Act 2002 (Section 57) the Council is required to approve a policy for the appointment of these positions. This policy includes criteria for deciding which organisations to appoint to, the skills required for these appointments, and the process by which they are made. Council is not required to remunerate its appointees from Council funds. The amended policy is at Appendix 1.
- 5 There are two organisations for which conditions of their Trust Deed or Will dictate who should be appointed. The appointment to the Kapiti Emergency Medical Services Trust (EMS) is specified as the Mayor in the Trust Deed. The Campe Estate appointment is dictated by the terms of the will of the late Mr Campe as being the Mayor, a resident Paekākāriki-Raumati Ward Councillor and the Chief Executive. The Council is asked to confirm these appointments, noting however that the Council is under no obligation to make such appointments.

### **CONSIDERATIONS**

Issues

- 6 The policy has been amended to remove the reference to the four 'wellbeings' in order to align with the amended Local Government Act 2002,

- 7 Appointments to the external organisations listed below are made for a number of reasons:
- To encourage coordinated work towards Community Outcomes;
  - To provide a means of monitoring where the Council has made a grant to that body;
  - To enable involvement where the council organisation's activity is relevant to the Council;
  - To satisfy a request from the council organisation that the Council appoint a representative;
  - Statutory requirements or conditions of, for example, a Trust Deed.
- 8 Appointments are generally for a three year term coinciding with the triennium.
- 9 The Council needs to ensure that any person it appoints to an external organisation has the knowledge or experience relevant to the activities of the organisation and is familiar with the relevant Council policy, programmes and activities, and understands the governance role to which they are appointed.
- 10 The following is a list of external organisations that the Council may make one or more appointments to in accordance with the Policy.

<b>Partnership with Tāngata Whenua</b>	
Te Whakaminenga o Kāpiti	<p>A Memorandum of Partnership and Terms of Reference have been signed. The group acts as a forum for discussion and source of advice to both the Council and Tāngata whenua. The objectives of the group are:</p> <ul style="list-style-type: none"> <li>• to provide a forum for the exchange of views on issues that impact on the social, economic and cultural well being of Tāngata whenua;</li> <li>• for Tāngata whenua to provide advice to Council on resource management policies and plans;</li> <li>• for Council to provide Tāngata whenua with advice on broad resource management policies and plans;</li> <li>• to monitor the effectiveness of the Memorandum of Partnership;</li> <li>• to contribute to monitoring the effectiveness of resource management policies, plans and other policies.</li> </ul> <p>Membership of Te Whakaminenga o Kāpiti is made up of the <b>Mayor, one Councillor</b>, and two representatives from each of the District's three Iwi. The Chief Executive and senior officers attend in support and provide advice.</p>

<b>Organisations with a Regional Focus</b>	
Regional Land Transport Committee	<p>Established to prepare the Regional Land Transport Strategy and associated regional programme for approval by Greater Wellington Regional Council. On 26 July 2001 the then Council resolved that it endorsed the proposals contained in the Regional Council report 01.436-Review of the Land Transport Committee which suggested in regard to membership that "...the territorial local authority representative should normally be the Mayor or the chair of the relevant committee of the Council".</p> <p>Previously <b>the Mayor and the Deputy Mayor as the alternate</b>.</p>
Wellington Regional Strategy Committee	<p>A Standing Committee of Greater Wellington Regional Council to oversee work towards building an internationally competitive Wellington. <b>One appointment</b> required. Around the region this has generally been the <b>Mayor and the Deputy Mayor as the alternate</b>.</p>
Wellington Regional Amenities Fund	<p>The Wellington Regional Amenities Fund is a partnership between Wellington City Council, Hutt City Council, Upper Hutt City Council, Masterton District Council and Kāpiti Coast District Council. The Fund has been set up to support eligible entities of regional significance with new innovative projects to achieve identified priorities for the region. <b>The Mayor</b> is appointed <b>with the Deputy Mayor</b> as alternate.</p>
Zone 4 (Local Government New Zealand)	<p>There are six Zones which meet four times a year. The purposes of Zones are to: be an electoral college for the appointment of National Council representatives; be working fora of <i>Local Government New Zealand</i> on a geographic basis; provide an opportunity for two-way communication between these geographic areas and <i>Local Government New Zealand</i>; provide networking and information-sharing opportunities. Although it has been customary for the Mayor to attend, Zone 4 is open to all Elected Members.</p>
Urban Design Champion	<p>As signatory to the New Zealand Urban Design Protocol (since March 2005) Council appoints a Councillor (and the Sustainable Development Manager). The Protocol proposes a commitment by central government in partnership with local government, developers, investors, and design professionals to improve the quality of towns and cities. <b>One Councillor for appointment</b>.</p>

<b>Organisation with a Statutory Requirement</b>	
District Licensing Committee	A three person committee established under the new Sale and Supply of Alcohol Act 2012. The Chair will be a <b>Councillor</b> (paid position) and the two other two members will be drawn from a list of suitably qualified community representatives. <b>A Councillor</b> needs to be appointed as Deputy Chair. (These appointments have been dealt with elsewhere on this agenda through the report “Governance Structure and Delegations for the 2013-2016 Triennium”).
Kāpiti Island Nature Lodge Monitoring Committee	Established by Environment Court decision and convened under court order. The current consent conditions continue until a new consent is granted. Two appointments required: <b>one Councillor and one Community Board member</b> from the area (Paraparaumu/Raumati Community Board). The Council has previously delegated to the Board the appointment of the Board member. Also Te Whakaminenga o Kāpiti will be asked to nominate an <b>iwi representative</b> .
Campe Estate Subcommittee	This Subcommittee distributes funds from the Campe Estate to organisations that provide services of benefit to the youth of Paekākāriki. The <b>Paekākāriki-Raumati Ward Councillor</b> is to be appointed under the terms of the Will, along with the <b>Mayor</b> and the <b>Chief Executive</b> . The Subcommittee will also make funding decisions around the Arthur Thomas Clarke Trust. (This appointment has been dealt with elsewhere on this agenda via the report “Governance Structure and Delegations for the 2013-2016 Triennium”).

<b>Organisations with an Environmental Focus</b>	
Friends of the Ōtaki River Group	Established to represent the community in the management and development of the Ōtaki River and its environment. The Terms of Reference provide for Council as the territorial local authority to have a <b>Councillor</b> on the Group.
Friends of the Waikanae River Group	Established to represent the community in the management and development of the Waikanae River and its environment. The Terms of Reference provide for Council as the territorial local authority to have a <b>Councillor</b> on the Group.
Keep New Zealand Beautiful	Council representation on this group is valuable in terms of planning work programmes. <b>One Councillor</b> to coordinate for these groups is required.

Kapiti Coast Aircraft Noise Community Liaison Group	The terms of the Management Plan stipulate that a <b>member of the Paraparaumu/Raumati Community Board</b> should be one of the community representatives of the Group (and this decision would be made the first meeting of the Community Board in December). The Group oversees the implementation of the Management Plan.
Wellington Regional Waste Forum	Established to increase awareness of environmental issues relating to the management of waste by providing a forum for local authorities to discuss matters and disseminate information. All councils in the Wellington Region are entitled to full membership of the Agency. <b>One Councillor</b> is required.
Pharazyn Reserve Focus Group	This group assists staff in the development of the Reserve in line with the adopted management and development plans. <b>One member from the Waikanae Community Board</b> . The future status of this group will be examined as part of the Management Plan Review (see below)
Pharazyn Reserve Management Plan Review Panel	This Group was convened in the previous Triennium to scope the review of the Management Plan. Members comprise <b>three members of the Waikanae Community Board and 3-4 Councillors</b> . (Board appointments to this group and the one above would be made at the first Board meeting in December.)
Kapiti Ecological Restoration Maintenance Trust	The Trust collaborates with Council in restoring the Kaitawa and Greendale Reserves and the Waikanae River Corridor. <b>One Councillor to be appointed</b> .

#### Organisations with a Council Owned Property Focus

Paraparaumu College Community Sports Hall Committee	This Committee has two Councillors and two staff as members under a joint management agreement, which is a legal document valid until December 2029. Council is part owner of this property that was established a joint venture between the school and the community. Only <b>one Councillor</b> has traditionally been appointed.
Kāpiti Community Centre Management Committee	The Council has <b>one Councillor</b> on the Management Committee. The Council is also responsible for making three community appointments to the committee; none are required at this time.

Kāpiti Coast Multipurpose Aquatic & Recreation Centre Trust	This Trust was created to publicly fundraise for the Coastlands Aquatic Centre and is now moving to a new phase of operations. Previously the Trust included the Mayor and two Councillors, but as the Trust's focus changes, eventually only <b>one Councillor appointment</b> will be required.
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#### Organisations which are Contracted to provide Services

Kāpiti Safer Community Trust	The Council supports the Trust with a Community Contract and is entitled to appoint a <b>Councillor</b> . The role of the Kapiti Safer Community Trust is to manage and promote existing crime prevention programs and encourage the development of new initiatives.
Mahara Gallery Trust	The Trust has a Community Contract with Council to provide gallery and education services and also receives rental support and a one-to-one subsidy to match corporate sponsorship. Council makes one appointment to the Mahara Gallery Trust. The Trust has requested that this be a <b>Councillor</b> . (A Memorandum of Understanding has been signed with the Trust).
Clean Technology Trust	The Clean Technology Trust's purpose is to enable world-class clean technology developers to commercialise globally from the Kāpiti Coast. The Council is a service partner. <b>One Councillor to be appointed.</b>

#### Organisations which provide a community service

Kāpiti Emergency Medical Services (EMS) Trust	The Trust Deed provides for <b>the Mayor</b> to be a member. The EMS Trust is a non profit charitable trust, and EMS Team-members work voluntarily to enhance the pre-hospital care of trauma and medical patients within the Kapiti region with respect to area's relative geographical isolation from base hospital facilities.
Kapiti Accessibility Advisory Group	(Previously the Disability Reference Group) This group works with Council to improve the accessibility of Council facilities and services. <b>One Councillor</b> to be appointed.
Kapiti Community Health Transport Group	This group acts as a steering group for the Red Cross Community Health Shuttle which transports people to outpatient appointments at Kenepuru and Wellington hospitals. It has been the practice to appoint a <b>Councillor</b> .

<b>Organisations with an Education Focus</b>	
Te Mana Whakahaere o Te Wananga o Raukawa	Incorporated in August 1984, the Wananga was established by the Raukawa Marae Trustees to give formal recognition to their Centre of Higher Learning. Membership of Te Mana Whakahaere o Te Wananga o Raukawa includes <b>a Councillor</b> .

<b>Other Organisations/bodies</b>	
Road Safety Advisory Group	In consultation with key community organisations, this Group provides Council with advice on priorities for road safety coordination in the District and on new areas of consultation with the community on road safety matters. <b>Two Councillors for appointment, one of whom should be the Chair.</b>
Kapiti Cycleway, Walkway and Bridleway Advisory Group	This is a voluntary group made up of relevant community groups which advise on priorities for cyclist, walking and equestrian matters on the Kāpiti Coast with reference to implementing the Cycleway, Walkway and Bridleway Strategy. <b>The Mayor and one Councillor for appointment, one of whom should be the Chair.</b>
Kapiti Coast Youth Council	This group works with Council and other agencies in an advocacy role to promote the needs and contributions of youth in the District. <b>One Councillor</b> to be appointed.
Kapiti Coast Older Persons' Council	This group advocates re issues for older people in the District. <b>One Councillor</b> for appointment.

### **Financial Considerations**

- 11 The Council does not specifically remunerate the directors it appoints to council organisations. The remuneration of directors by the council organisation is a matter for the organisation concerned. The exception to this practice is the District Licensing Committee where the members will be remunerated.

### **Legal Considerations**

- 12 Section 57 of the Local Government Act 2002 concerns the appointment of directors:

*(1) A local authority must adopt a policy that sets out an objective and transparent process for-*

- a. The identification and consideration of the skills, knowledge, and experience required of directors of a council organisation; and*
- b. The appointment of directors to a council organisation; and*

c. *The remuneration of directors of a council organisation.*

(2) *A local authority may appoint a person to be a director of a council organisation only if the person has, in the option of the local authority, the skills, knowledge or experience to-*

a. *Guide the organisation, given the nature and scope of its activities; and*

b. *Contribute to the achievement of the objectives of the organisation.*

### **Delegation**

13 Council has not delegated this matter to any Committee.

### **Consultation and Policy Implications**

14 There are no consultation or policy considerations.

### **Tāngata Whenua Considerations**

15 There are no tāngata whenua considerations.

### **Publicity Considerations**

16 A media release will be prepared listing the appointments.

### **RECOMMENDATIONS**

17 That Council approves the amended Policy on the Appointment of Directors of Council Organisations, as at Appendix 1 of report Corp-13-1015.

18 That the Council confirms the appointment of the Mayor to the Kāpiti Emergency Medical Services Trust for the 2010-2013 triennium.

19 That the Council confirms the appointment of the Mayor, Cr Holborow and the Chief Executive to the Campe Estate Trust.

20 That the Council makes appointments to external organisations as follows:

<b>No</b>	<b>Organisation/Body</b>	<b>Appointees for 2013-2016 Triennium</b>
1	Te Whakaminenga o Kāpiti	The Mayor and Cr .....
2	Regional Land Transport Committee	The Mayor and Deputy Mayor as alternate
3	Wellington Regional Strategy Committee	The Mayor and Deputy Mayor as alternate
4	Wellington Regional Amenities Fund	The Mayor and Deputy Mayor as alternate
5	Zone 4	A representative
6	Urban Design Champion	Cr .....
7	Kapiti Island Monitoring Committee	Cr .....

8	Friends of the Ōtaki River	Cr .....
9	Friends of the Waikanae River	Cr .....
10	Keep New Zealand Beautiful	Cr .....
11	Kapiti Coast Aircraft Noise Community Liaison Group	Community Board representative
12	Wellington Regional Waste Forum	Cr .....
13	Pharazyn Reserve Focus Group	Community Board representative
14	Pharazyn Reserve Management Plan Review Panel	Community Board representatives and Cr ....., Cr ..... Cr ..... and Cr .....
15	Kapiti Ecological Restoration Maintenance Trust	Cr .....
16	Paraparaumu College Community Sports Hall Committee	Cr .....
17	Kapiti Community Centre Management Committee	Cr .....
18	Kāpiti Coast Multipurpose Aquatic and Recreation Centre Trust	Mayor and Cr ..... and Cr.....
19	Kapiti Safer Community Trust	Cr .....
20	Mahara Gallery Trust	Cr .....
21	Clean Technology Trust	Cr .....
22	Kapiti Emergency Medical Services (EMS) Trust	The Mayor
23	Kapiti Accessibility Advisory Group	Cr .....
24	Kapiti Community Health Transport Group	Cr .....
25	Te Mana Whakahaere o Te Wānanga o Raukawa	Cr .....
26	Road Safety Advisory Group	Cr.....(Chair) and Cr.....
27	Kapiti Cycleway, Walkway and Bridleway Advisory Group	The Mayor and Cr.....
28	Kapiti Coast Youth Council	Cr .....
29	Kapiti Coast Older Persons' Council	Cr .....

**Report prepared by:**

**Approved for submission by:**

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**ATTACHMENTS**

Appendix 1 – Amended policy on the Appointment of Directors of Council Organisations 2013-2016

**APPENDIX 1**

**Policy on the Appointment of Directors of Council Organisations 2013-2016**

The Council will use the following criteria for considering whether or not it should appoint a director or directors to any organisation:

- a) Does the organisation allocate significant Council funding within the community?
- b) Does the organisation coordinate the activity of particular sectors or groups within the community in an area that is significant to the achievement of Council's own goals or Community Outcomes?
- c) ~~Does the organisation have a relevance to the future social, environmental, economic and cultural wellbeing of the District?~~
- d) Are there any other ways or initiatives that the Council might take to coordinate or establish organisations that advance the Council's strategic goals and Community Outcomes?

**Skills & Experience Required**

The Council will ensure that any person that it appoints to be a director of a council organisation will have the knowledge, skills and experience relevant to the activities of the organisation and be familiar with Council policy, programmes and activities relevant to the organisation. For appointments to organisations with an annual turnover of \$500,000 or greater particular attention will be given to these criteria with a particular emphasis on skills and experience.

Appointments will generally be made by the Council at the beginning of the triennium although vacancies and new council organisations may be considered during the triennium. Any future appointments made by the Council will have regard to the criteria specified in this policy.

**Remuneration**

The Council does not remunerate the directors it appoints to council organisations and the remuneration of the directors by the council organisation is a matter for the organisation concerned.

These recommendations are based on practice over the last triennium and/or the special requirements of the organisation such as the dictates of its trust deed.