

HUTT CITY COUNCIL

Extraordinary meeting to be held in the Matiu Room,
Hutt City Council, 531 High Street, Lower Hutt on
Thursday 6 August 2015 commencing at 5.30pm.

ORDER PAPER

PUBLIC BUSINESS

1. APOLOGIES

Mayor WR Wallace and Crs B Branch, A Finlayson, C Milne and M Shierlaw.

2. PUBLIC COMMENT

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

3. CONFLICT OF INTEREST DECLARATIONS

4. AGREEMENT TO THE CONTINUATION OF JOINT COMMITTEES

(15/1145)

Report No. HCC2015/4/209 by the Divisional Manager, Secretariat
Services

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5. QUESTIONS

With reference to section 43 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

Kathryn Stannard

DIVISIONAL MANAGER SECRETARIAT SERVICES

31 July 2015

File: (15/1145)

Report no: HCC2015/4/209

Agreement to the Continuation of Joint Committees

Purpose of Report

1. For Council to agree to the continuation of joint committees established under the Local Government Act 2002.

Recommendations

It is recommended that Council:

- (i) receives the report;
- (ii) notes that due to recent amendments to the Local Government Act 2002, the agreement of all the local authorities that appoint members to the Hutt Valley Services Committee, the Wellington Regional Amenities Fund Joint Committee and the Wellington Water Committee will be required by 8 August 2015 for each of these joint committees to continue in existence;
- (iii) adopts the information set out in Appendix 1 to this report for the purposes of an agreement with the local authorities that appoint members to the relevant joint committees; and
- (iv) resolves, in the event that all the relevant local authorities do not reach agreement relating to the current joint committees by 8 August 2015, to:
 - (a) re-establish the Hutt Valley Services Committee, the Wellington Regional Amenities Fund Joint Committee and the Wellington Water Committee;
 - (b) adopts the terms of reference for each committee as set out in Appendix 2, Appendix 3 and Appendix 4;
 - (c) notes that Mayor Wallace, Cr Finlayson, Cr Lewis and Cr Milne are the current members for the Hutt Valley Services Committee and Mayor Wallace is the current member for the Wellington Regional

Amenities Fund Joint Committee and Deputy Mayor Bassett is the current member for the Wellington Water Committee;

- (d) appoints the Council's current member on each committee to the relevant re-established committee; and
- (e) adopts the information set out in Appendix 1 to this report for the purposes of an agreement with the local authorities that appoint members to the relevant joint committees;
- (f) delegates authority to officers to do all things to finalise the such agreements and delegates authority to the Chief Executive and/or Mayor to execute such agreements on Council's behalf.

Background

- 2. Amendments to the Local Government Act (the Act), which came into effect on 8 August 2014, require local authorities that established joint committees prior to 8 August 2014 to enter into an agreement relating to those committees by no later than 8 August 2015.
- 3. This amendment is to provide better collaboration mechanisms and efficiency between Councils.
- 4. Clause 30A of Schedule 7 of the Act requires that the following matters be specified in the agreement:
 - (a) *the number of members each local authority or public body may appoint to the committee; and*
 - (b) *how the chairperson and deputy chairperson of the committee are to be appointed; and*
 - (c) *the terms of reference of the committee; and*
 - (d) *what responsibilities (if any) are to be delegated to the committee by each local authority or public body; and*
 - (e) *how the agreement may be varied.*

Discussion

Joint committees requiring an agreement

- 5. The Council is an appointing body for three joint committees that are subject to this new statutory requirement:
 - (a) Hutt Valley Services Committee. Upper Hutt City Council and Hutt City Council appoint members to this joint committee.
 - (b) Wellington Regional Amenities Fund Joint Committee. Hutt City Council, Porirua City Council, Upper Hutt City Council, Wellington

City Council, Masterton District Council and Kapiti Coast District Council appoint members to this joint committee.

- (c) Wellington Water Committee. Hutt City Council, Porirua City Council, Upper Hutt City Council, Wellington City Council and Greater Wellington Regional Council appoint members to this joint committee.
6. It is acknowledged that the Wellington Water Committee already has an agreement in place under its Shareholders' Agreement which meets the requirements of clause 30A of Schedule 7 of the LGA (this is confirmed by legal advice). However, Greater Wellington Regional Council and Wellington City Council are proceeding to reference the Wellington Water Committee in their reports to their Councils on a "for avoidance of doubt" basis. For a consistent approach across all regional Councils, Hutt City Council officers have decided to include the reference to the Wellington Water Committee in our report.

Agreement provisions

7. Each Council that appoints members to the Hutt Valley Services Committee, the Wellington Regional Amenities Fund Joint Committee and the Wellington Water Committee must enter into an agreement by 8 August 2015 for each joint committee to continue to exist. The terms of reference for these joint committees largely cover the matters that are required to be addressed in the agreement. The matters relating to each joint committee requiring agreement are set out in Appendix 1. The current terms of reference for Hutt Valley Services Committee are in Appendix 2, the current terms of reference for Wellington Regional Amenities Fund Joint Committee in Appendix 3 and the current terms of reference for Wellington Water Committee are in Appendix 4.

Consultation

8. The matters addressed in this report have been discussed with those local authorities that appoint members to each joint committee. The local authorities will be informed of the Council's decision.

Legal Considerations

9. Amendments to the Local Government Act (the Act), which came into effect on 8 August 2014, require local authorities that established joint committees prior to 8 August 2014 to enter into an agreement relating to those committees by no later than 8 August 2015. If an agreement is not entered into by 8 August 2015 the affected joint committees are deemed to be discharged.

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General Manager, Governance and Regulatory

PROVISIONS FOR AGREEMENT RELATING TO JOINT COMMITTEES

Provisions under Clause 30A, Schedule 7, Local Government Act 2002 to be included in agreement	Hutt Valley Services Committee	Wellington Regional Amenities Fund Joint Committee	Wellington Water Committee
<i>The number of members each local authority or public body may appoint to the committee</i>	Upper Hutt City Council-4 Hutt City Council-4	Hutt City Council-1 Porirua City Council- 1 Upper Hutt City Council-1 Wellington City Council-1 Kapiti Coast District Council - 1 Masterton District Council - 1	Hutt City Council-1 Porirua City Council- 1 Upper Hutt City Council-1 Wellington City Council-1 Greater Wellington Regional Council-1
<i>How the Chairperson and deputy Chairperson of the committee are appointed</i>	Chair to alternate between the two Councils with Hutt City Council appointing the Chair in odd numbered years and the change taking place at the final meeting of each year.	Chair elected by the Committee once all Committee members are appointed. Deputy Chair may be elected by the Committee once all Committee members are appointed.	Chair and Deputy Chair of Committee elected by the Committee once all Committee members are appointed.
<i>Terms of reference of the Committee</i>	Refer to Attachment 2 for current terms of reference.	Refer to Attachment 3 for current terms of reference	Refer to Attachment 4 for current terms of reference
<i>The responsibilities delegated to the Committee by each local authority or public body</i>	Delegated responsibilities are detailed in the terms of reference.	Delegated responsibilities are detailed in the terms of reference.	Delegated responsibilities are detailed in the terms of reference.
<i>How the agreement may be varied</i>	By each appointing Council making resolutions in common.	By each appointing Council making resolutions in common.	By each appointing Council making resolutions in common.

HUTT VALLEY SERVICES COMMITTEE (Special Committee of Council)

A joint committee of the Hutt City Council and the Upper Hutt City Council

Membership: 4 elected members appointed by the Hutt City Council and 4 elected members appointed by the Upper Hutt City Council plus one alternate appointed by each Council

Chair to alternate between the two Councils with Hutt City Council appointing the Chair in odd numbered years and the change taking place at the final meeting of each year

Quorum: Half of the members

Meeting Cycle: Meets quarterly or as required

Reports to: Council

PURPOSE

To facilitate coordination and decision-making on combined council services in the Hutt Valley.

Consider and make recommendations to the two Councils on:

- The co-ordination of activities of the Hutt City Council and the Upper Hutt City Council in respect of matters affecting the Hutt Valley as a whole.
- In particular, the co-ordination of waste disposal and wastewater, emergency management and combined cemetery services for the Hutt Valley.
- Any other activities common to both Councils that could be co-ordinated.

TERMS OF REFERENCE FOR THE WELLINGTON REGIONAL AMENITIES FUND JOINT COMMITTEE

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1. Definitions

1.1 For the purpose of these Terms of Reference:

“Act” means the Local Government Act 2002.

“Member” means a local authority that is a participant in the Wellington Regional Amenities Fund, as listed in clause 3.1.

“Representative(s)” means the Mayor or Chairperson or councillor or councillors of a Member, or alternate(s) that have been resolved by the Member authority to be a member of the Joint Committee.

"Wellington Regional Amenities Fund" and "WRA Fund" means the fund established and contributed to by the Members in accordance with their respective Long Term Plan decisions.

“Wellington Regional Amenities Fund Joint Committee” means the Joint Committee appointed by the Members to oversee the development of the Wellington Regional Amenities Fund.

2. Name

- 2.1 The Committee shall be known as the Wellington Regional Amenities Fund (WRA Fund) Joint Committee (Joint Committee).

3. Members

- 3.1 Each of the following local authorities is a Member:

- Kapiti Coast District Council
- Masterton District Council
- Hutt City Council
- Upper Hutt City Council
- Wellington City Council
- Porirua City Council

4. Status

- 4.1 The Joint Committee is a joint standing committee under clause 30(1)(b) of Schedule 7 of the Act.
- 4.2 In accordance with clause 30(7) of Schedule 7 of the Act, the Joint Committee is not deemed discharged following each triennial election.

5. Membership of Joint Committee

- 5.1 The Joint Committee will comprise [6] persons in total.
- 5.2 Each Member will appoint one Representative, being one elected person, and will also appoint an alternate who may attend and vote at meetings in the absence of the appointed representative. Both the Representative and the alternate must be an elected person from that Member.
- 5.3 Under clause 30(9) Schedule 7 of the Act, the powers to discharge any representative on the Joint Committee and appoint his or her replacement shall be exercisable only by the Member that appointed the representative being discharged.
- 5.4 Each Representative is appointed for a term that expires on the date of the next local government triennial election.
- 5.5 It is the responsibility of each Member of the Joint Committee to ensure that they have a representative available to participate in the Joint Committee, as soon as practicable after their representative is no longer able to represent that Member for whatever reason, with the same delegated functions, duties and powers as their predecessor.

- 5.6 Each Member is responsible for remunerating its Representatives and for the cost of the Representatives' participation in the Joint Committee.

6. Purpose of Terms of Reference

- 6.1 The purpose of these Terms of Reference is to:

- (a) Define the role and responsibilities of the Joint Committee
- (b) Provide for the administrative arrangements of the Joint Committee.

7. Role and responsibilities of Joint Committee

- 7.1 The role of the Joint Committee is to govern and administer the WRAF Fund, in accordance with the objectives of the WRAF Fund.

- 7.2 In performing its role, the responsibilities of the Joint Committee include:

- (a) approval of criteria and priorities for the WRA Fund
- (b) to consider recommendations from the Fund Manager and Officer's Group on applications made to the WRA Fund
- (c) to approve applications for funding.

8. Objectives of the WRA Fund

- 8.1 Goal

The WRA Fund has been established to support eligible entities of regional significance with day to day operational expenses and new innovative projects that will achieve identified priorities for the region. The WRA Fund is focused on arts, cultural and environmental attractions and events to support and add to the attractiveness and vitality of the Wellington region.

- 8.2 Scope

The Fund will assist to ensure that regionally significant entities can be developed or sustained in the Wellington region to contribute to the region's quality of life; attractiveness to residents and visitors; and economy.

The Fund is intended to allow funded entities to:

- Focus more on their core business
- Reduce the amount of time spent on securing funding across the region
- Improve their ability to perform on a wider regional basis
- Improve accessibility to their services
- Ensure staffing requirements are met adequately for a fixed term.

8.3 Criteria and Priorities

Applications to the WRA Fund will be assessed against criteria and priorities for the region.

9. Delegated authority

- 9.1 The Members delegate to the Joint Committee, the powers and functions to enable it to perform its role and carry out its responsibilities in relation to the WRA Fund, except those matters reserved under Clause 32 Schedule 7 of the Act, and the appointment of new members to the Joint Committee.

10. Meetings

- 10.1 The New Zealand Standard for model standing orders (NZS 9202: 2001), or any New Zealand Standard substituted for that standard, will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer of the Wellington City Council or his or her nominated representative were its principal administrative officer.
- 10.2 The Joint Committee shall hold meetings at such frequency, times and place(s) as agreed by the Joint Committee for the performance of the functions, duties and powers delegated under this Terms of Reference.
- 10.3 In accordance with Clause 30(9)(b) Schedule 7 of the Act, the quorum shall be half of the members if the number of members (including vacancies) is an even number, or a majority of members if the number of members (including vacancies) is an odd number.

11. Voting

- 11.1 In accordance with clause 32(4) Schedule 7 of the Act, at meetings of the Joint Committee each Member's Representative has full authority to vote and make decisions within the delegations of this Terms of Reference on behalf of that Member without further recourse to that Member.
- 11.2 Each Representative has one equal vote. Decisions will be made by simple majority.

12. Election of Chairperson and Deputy Chairperson

- 12.1 On the constitution or reconstitution of the WRAF Joint Committee the representatives shall elect a Chairperson and may elect a Deputy Chairperson.

- 12.2 The term of office of an appointed Chairperson or Deputy Chairperson ends on the date of the next local government triennial election.

13. Administration arrangements

- 13.1 The administering authority for the Joint Committee is Wellington City Council.
- 13.2 The administrative costs of servicing the Joint Committee will be met within the allocated funding of the WRA Fund.
- 13.3 The WRA Fund Manager (Fund Manager), who will be located at Wellington City Council, will service the Joint Committee and will have the following functions:
- Management and administrative support for the Joint Committee
 - Prepare draft criteria and priorities for the WRA Fund for approval by the Joint Committee
 - Initial assessment of applications
 - Report to the Joint Committee with recommendations
 - Develop and maintain key relationships within the arts, culture and environmental sectors
 - Relationship management with successful applicants
 - Distribution of funds
 - Coordinate the collection, holding and distribution of funds
 - Monitor, evaluate and report on the WRA Fund
 - Research and promotion of the WRA Fund
 - Approve all papers to the Joint Committee and ensure decisions are signed off at critical times.
- 13.4 A cross-council WRA Fund Officers Group (Officers Group) will be established with a representative from each of the Members. The Officers Group will act as their council's point of contact for the WRA Fund, and the Joint Committee. In conjunction with the Fund Manager the Officers Group will:
- Prepare draft the criteria and priorities of the WRA Fund
 - Assess applications and make recommendations to the Joint Committee.

14. Funding

- 14.1 Each Member will provide funding to the WRA Fund to the level agreed in their 2012-22 Long Term Plan.

- 14.2 The financial administration of the WRA Fund will be carried out by Wellington City Council on behalf of the Members.
- 14.3 Each Member will be invoiced by Wellington City Council at the establishment of the Fund, and the beginning of each new financial year thereafter, until such time as the WRA Fund is wound up.
- 14.4 Contributions will be specifically tied to the WRA Fund and cannot be used for any other purpose. The funds will be held in an interest bearing money market deposit account.

15. Reporting

- 15.1 All reports to the Joint Committee shall be presented via the Chairperson.
- 15.2 Following each meeting of the Joint Committee, the Fund Manager shall prepare a summary report of the business of the meeting and submit that report, for information to each Member authority following each meeting. Such report will be in addition to any formal minutes prepared by the Administering authority.

16. Good faith

- 16.1 In the event of any circumstances arising that were unforeseen by the Members or the Representatives at the time of adopting these Terms of Reference, the Members and the Representatives hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of:
 - (1) The Members collectively
 - (2) The Wellington regional community represented by the Members collectively.

17. Variations

- 17.1 Any Member may propose a change to the Terms of Reference by putting the wording of the proposed change to a meeting of the Joint Committee for consideration and comment.
- 17.2 Once a proposed change to these Terms of Reference has been considered by the Joint Committee, these Terms of Reference are not amended until each Member adopts the revised Terms of Reference giving effect to the proposed change.
- 17.3 Notwithstanding clause 17.2, the Joint Committee may itself amend the Terms of Reference, where the changes will not materially affect the commitment of any individual Member, or the scope of the Joint Committee's role and responsibilities.

18. Review

- 18.1 In March each year, the Fund Manager and the Officers Group will report to the Joint Committee on the operation of the WRA Fund during the financial year to date, and whether the WRA Fund is sustainable for the next financial year. If it is considered that the WRA Fund is not sustainable, the Joint Committee will report back to the Members with a recommended course of action.

Wellington Water Committee

Purpose

The Wellington Water Committee ("the Committee") is established to:

- Provide governance oversight of the network infrastructure for the delivery of bulk water, water reticulation, wastewater and stormwater services in the areas of Lower Hutt City, Porirua City, Upper Hutt City and Wellington City ("the four cities");
- Provide governance oversight of Wellington Water Limited; and
- Provide a forum for the representatives of Wellington Water Limited's shareholders (being Wellington Regional Council and the local authorities for the four cities) ("the Shareholders") to meet, discuss and co-ordinate on relevant issues and, through their representatives, exercise their powers.

Status

The Committee is a joint committee of the Lower Hutt City Council, Porirua City Council, Upper Hutt City Council, Wellington City Council and Wellington Regional Council.

Specific responsibilities

The Committee's responsibilities are:

Governance oversight responsibilities

Governance oversight of Wellington Water Limited and of the network infrastructure for the delivery of bulk water, water reticulation, wastewater and stormwater services in the areas of the four cities, including by:

- Receiving and considering the half-yearly and annual reports of Wellington Water Limited;
- Receiving and considering such other information from Wellington Water Limited as the Committee may request on behalf of the Shareholders and/or receive from time to time;
- Undertaking performance and other monitoring of Wellington Water Limited;
- Considering and providing recommendations to the Shareholders on proposals from Wellington Water Limited;
- Providing co-ordinated feedback, and recommendations as needed, on any matters requested by Wellington Water Limited or any Shareholder;

- Providing recommendations to the Shareholders regarding the relevant network infrastructure owned by each Shareholder;
- Providing recommendations to the Shareholders regarding water conservation;
- Agreeing the annual Letter of Expectation to Wellington Water Limited;
- Receiving, considering and providing agreed feedback and recommendations to Wellington Water Limited on its draft statement of intent;
- Receiving, considering and providing recommendations to the Shareholders regarding Wellington Water Limited's final statement of intent.
- Agreeing when Shareholder meetings, or resolutions in lieu of Shareholder meetings, are required, without prejudice to Shareholder and board rights to call meetings under Wellington Water Limited's constitution;
- Seeking and interviewing candidates for Wellington Water Limited's board as needed and approving director appointments and/or removals;
- Approving the remuneration of directors of Wellington Water Limited;
- Monitoring the performance of the board of Wellington Water Limited; and
- Providing recommendations to the Shareholders regarding changes to these terms of reference, the Shareholders' Agreement and the constitution of Wellington Water Limited.

Shareholders' responsibilities

To the extent that each Shareholder delegates its relevant powers to the Committee member it appoints, the Committee will provide a forum for the Shareholders to meet and exercise their powers in relation to Wellington Water Limited.

Membership

The membership of the Committee will total five persons, as follows:

- One member appointed by Hutt City Council;
- One member appointed by Porirua City Council;
- One member appointed by Upper Hutt City Council;
- One member appointed by Wellington City Council; and
- One member appointed by Wellington Regional Council.

[Each appointee must be an elected member of the appointing Shareholder.]

Chairperson

The Chairperson and Deputy Chairperson will be elected by the Committee once all Committee members have been appointed.

Quorum

For a meeting of the Committee to have a quorum, three members, or their appointed alternates, must be present.

Where the Committee is providing a forum for the Shareholders to meet and exercise their powers in relation to Wellington Water Limited, the requirements of Wellington Water Limited's constitution will prevail.

[Note: Clause 11.3 of the company's constitution provides that Directors shall be appointed and removed by the unanimous resolution of the shareholders. For this matter the quorum is therefore all five members or their alternates.]

Alternates

Each member appointed to the Committee must have an alternate appointed by the relevant Shareholder. The alternate may attend and vote at meetings of the Committee, but only in the event that the primary member is unable to do so.

Decision-making

The Committee will strive to make all decisions by consensus.

In the event that a consensus on a particular matter before the Committee is not able to be reached, each member of the Committee has a deliberative vote. In the situation where there is an equality of votes cast on a matter, the Chairperson does not have a casting vote and therefore the matter subject to the vote is defeated and the status quo is preserved.

Other than for those matters for which the Committee has effective decision-making capacity through these terms of reference, each Shareholder retains its full powers to make its own decisions on matters referred to it by the Committee.

Standing Orders

The Wellington Regional Council's Standing Orders apply, subject to the provisions for meeting quorum and decision making as set out in these terms of reference taking precedence.

Remuneration

Each Shareholder will be responsible for remunerating its representative on the Committee for any costs associated with that person's membership of the Committee.

Administration

Reports to be considered by the Committee may be submitted by any of the Shareholders or Wellington Water Limited.

Duration of the Committee

In accordance with clause 30(7) of Schedule 7 to the Local Government Act 2002, the Committee is not deemed to be discharged following each triennial election.

Appendix

Common delegations

Governance oversight responsibilities

- Each Shareholder will delegate to the Committee the responsibilities and powers necessary to participate in and carry out the Committee's governance oversight responsibilities.

Shareholders' responsibilities

- Each Shareholder will delegate to its appointed Committee member and, in accordance with these terms of reference, that person's alternate, all responsibilities and powers in relation to the agreement of:
 - when Shareholder meetings, or resolutions in lieu of Shareholder meetings, are required (without prejudice to Shareholder and Board rights to call meetings under Wellington Water Limited's constitution); and
 - the appointment, removal and remuneration of Wellington Water Limited's directors.