



# Governance Policy Manual

RANGITIKEI DISTRICT COUNCIL

## VERSION CONTROL

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# Council – CE Linkage Policies

# Council – CE Linkage

## Policy Type – Overarching Council / CE Linkage

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The Council's sole official connection with the operations<sup>1</sup> of the Rangitikei District Council, its achievements and its conduct will be through a CE.

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<sup>1</sup> Note: "operations" in this context does not include the exercise of the Council's quasi-judicial regulatory or review responsibilities

# Unity of Control

## Policy Type – Council / CE Linkage

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Only decisions of the Council acting as a whole are binding on the CE.

1. Decisions or instructions of individual Council members (including the Mayor), or committees are not binding on the CE except when the Council has specifically authorised such exercise of authority.
2. In the case of individual Council members or committees requesting information or assistance without Council authorisation and except as authorised under s223(H) of the Local Government Act 1974 the CE may refuse such requests if they require, in the CE's opinion, a material amount of staff time or funds, or are disruptive.

# Accountability of the CE

## Policy Type –Council / CE Linkage

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The CE is the Council's only link to operational achievement and conduct, so that all authority and accountability of staff, as far as the Council is concerned, is considered the authority and accountability of the CE.

1. The Council will never give instructions to persons who report directly or indirectly to the CE.
2. The Council should refrain from evaluating, either formally, or informally, any staff other than the CE, except through the CE.
3. The Council will view CE performance as identical to organisational performance so that organisational accomplishment of Council-stated Ends and avoidance of Council proscribed means will be viewed as successful CE performance.

# Delegation to the CE

## Policy Type –Council / CE Linkage

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The Council will instruct the CE through written policies that prescribe Rangitikei District Council's Ends to be achieved and describe organisational situations and actions to be avoided, allowing the CE any reasonable interpretation of these policies.

1. The Council will develop policies instructing the CE to achieve certain results, for certain recipients at a specified cost. These policies will be developed systematically from the broadest, most general to more defined levels and will be called Ends policies.
2. The Council will develop policies that limit the latitude the CE may exercise in choosing operational means. These policies will be developed systematically from the broadest, most general level to progressively more defined levels and will be called Executive Limitations policies.
3. As long as the CE uses any reasonable interpretation of the Council's Ends and Executive Limitations policies, the CE is authorised to establish all further policies, make all decision, take all actions, establish all practices and develop all activities.
4. The Council may change its End and Executive Limitations policies, thereby shifting the boundary between Council and CE domains. By doing so the Council changes the latitude of choice given to the CE, but as long as any particular delegation is in place, the Council will respect and support the CE's choices.

# Monitoring CE Performance

## Policy Type –Council / CE Linkage

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The Council will undertake continuous, systematic and rigorous monitoring of CE job performance and will provide regular performance feedback to the CE. CE performance will be judged solely against the only expected CE job outputs: organisational operation within the boundaries established in Council policies on Executive Limitations.

1. The Council will only monitor against criteria that have been identified and agreed with the CE in advance. Monitoring is simply to determine the degree of which Council policies are being met and will not relate to any “personal” objectives. Data that do not do this will not be considered monitoring data.
2. The Council will acquire monitoring data by one or more of three methods:
  - a. **Internal Report:** CE discloses compliance information to the Council.
  - b. **External Report:** An external disinterested party selected by the Council assesses compliance with Council policies.
  - c. **Direct Council Inspection:** A designated Councillor or group of Councillors assess compliance with the appropriate policy criteria.
3. In every case the standard for compliance by the CE shall be any reasonable interpretation of the Council policy being monitored.
4. All policies that instruct the CE will be monitored at a frequency and by a method chosen by the Council. The Council can monitor any policy at any time by any method but will usually depend on a routine schedule. (To be developed at a later stage).
5. The Council, as a body, will make a judgement about the quality of the CE’s performance adopting a longer-term view. Aspects of the collection and analysis of performance data to assist the Council’s deliberations may be, however, be delegated to the Mayor (and / or designated Committee).
6. There will be a formal appraisal of the CE’s performance. The timing, format and process for these meetings will be negotiated and agreed upon between the CE and the Council before the commencement of the monitoring period. Performance appraisal meetings will be held at least once per year.
7. The Council will review the remuneration of the CE annually following the completion of the performance review cycle.

# CE Appointment and Terms and Conditions of Employment

## Policy Type –Council / CE Linkage

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The Council will employ the best available person for the job of CE, will utilise an open and transparent appointment process and will be a good employer providing fair and appropriate terms and conditions of employment.

1. The responsibility for appointment and terminating the employment of the Council's CE lies with the Council.
2. When a new CE is to be appointed, the position will be advertised in order to attract the widest possible range of potential applicants.
3. While the process of identifying and short-listing suitable candidates may be delegated to a Council Committee the full Council will make the final decision for the appointment of the CE.
4. The CE's terms and conditions of employment are contained in the contract negotiated and signed by an authorised Council representative and the CE.
5. The process of termination of the CE's contract is contained in that contract.



# CE Limitations Policies

# Overarching CE Limitation

## Policy Type –CE Limitations

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The CE shall not engage in, cause or allow any practice, activity, organisational circumstance, or decision which is in any way unethical, unlawful, imprudent or which violates any Council policy or expressed Council values, or any commonly held business or professional ethic.

# Treatment of Customers

## Policy Type – CE Limitations

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With respect to users of Council services or those who might become users, the CE shall not cause or allow conditions, procedures or decisions that are unsafe, uncivil, unnecessarily intrusive, or that fail to provide appropriate confidentiality or privacy.

Accordingly, the CE shall not:

1. Make requests for, or use application forms that elicit, information for which there is no clear necessity.
2. Use unreasonable methods of collecting, reviewing, transmitting, or storing consumer information that fail to reasonably protect against improper access to our use of the material elicited.
3. Maintain facilities that fail to provide a reasonable level of privacy.
4. Fail to make reasonable effort to establish with users of Council services a clear understanding of what may be expected and what may not be expected from the services offered.
5. Fail to inform consumers of the policy, or to provide a grievance process to those who believe they have not been accorded a reasonable interpretation of their rights under the policy.
6. Violate any of the provisions contained in relevant legislation, eg: the Local Government Official Information and Meetings Act, Privacy Act, Consumer Rights Act, Commerce Act, etc.
7. Fail to communicate with ratepayers and customers of Council services in an appropriate manner.

# Treatment of Staff

## Policy Type – CE Limitations

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With respect to the treatment of staff, the CE may not cause or allow conditions that are unfair, unsafe or undignified.

Accordingly, the CE shall not:

1. Operate without written personnel policies that clarify personnel rules for staff, provide for the fair and effective handling of grievances, and protect against wrongful conditions such as nepotism and grossly preferential treatment for personal reasons.
2. Deny to any employees the right to express ethical dissent.
3. Deny the right of any staff member to join a relevant professional association or union or to have access to the services of that union as these relate to the workplace and related conditions.
4. Fail to keep the Council fully informed about impending disputes and grievances that may lead to unbudgeted material changes in financial condition or to legal or political action against the Council.
5. Fail to enter into, for all staff members, a written employment contract, either individual or collective.
6. Prevent staff from taking grievances through appropriate processes and/or to appropriate authorities.
7. Fail to ensure that all staff members are acquainted with their rights under this policy.
8. Fail to maintain an effective performance management system that:
  - (i) Establishes clear performance expectations for each employee; and
  - (ii) Provides feedback on performance not less frequently than annually.

# Financial Planning and Budgeting

## Policy Type – CE Limitations

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Financial planning and budgeting for any fiscal year, including the remaining part of the current year, shall not deviate markedly from the Council's Ends priorities or risk financial jeopardy, fail to be derived from the Long Term Financial Strategy and the Annual Plan, or be inconsistent with the principles and requirements of the Local Government Amendment (No.3) Act or other legislation.

Therefore, the CE shall not prepare and present a Draft Annual Plan or any other budget which:

1. Fails to reflect the Council's long-term view.
2. Contains insufficient detail to provide an accurate and credible project of revenues, expenditures, capital movements, and disclosure of planning assumptions.
3. In any way disguises the cash flow position, which would result from the adoption and application of the relevant financial plan or budget.
4. Contains projected operational expenditures that exceed the projected reasonable estimate of operational revenue.
5. Provides for less than 5% of the gross operating budget for the Council's own requirements as defined in the Cost of Governance Policy.
6. Proposes the use of the Council's reserves in a manner inconsistent with the Reserves Policy.
7. Is inconsistent with the Council's funding, investment or borrowing management strategies.
8. Exceeds \$5,000 for writing off a bad debt<sup>2</sup>
9. Exceed the limit of 10,000 for road acquisition, dedication, stopping, severance and disposal of surplus.

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<sup>2</sup> Resolved minute number 08/RDC/184

# Financial Condition and Activities

## Policy Type – CE Limitations

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With respect to the actual, ongoing financial conditions and activities, the CE shall not cause or allow a material deviation of actual expenditures from Council priorities established in Ends policies or allow conditions to arise that would place at risk the Council's financial situation.

The Chief Executive shall not:

1. Fail to maintain accurate financial records.
2. Contravene Council funding, investment and borrowing management policies.
3. Expend more funds than have been received in the financial year unless offset by approved borrowings or approved withdrawals from reserves.
4. Commit, expend or invest more than 5% in excess of any budgeted Significant Activity described in the Council's Annual Plan.
5. Cause the Council to incur unauthorised debts.
6. Use any Council funds, or enter into any contracts or accept other liabilities, other than for the furtherance of its purposes and priorities as approved by the Council in its Ends policies.
7. Allow undisputed invoices from suppliers of goods and services to the Council to remain unpaid beyond agreed trade credit terms agreed with those suppliers.
8. Use restricted or 'tagged' reserves for any purposes other than those authorised.
9. Allow any one person alone to have complete authority over any of the Council's financial transactions.
10. Neglect to ensure that there are appropriate limitations on expenditure using credit cards and adequate controls on their issuance and use.
11. Operate outside the overall approved budget for a particular financial year, or in any manner that is not supported by the Council's policy, without specific Council resolution.
12. Commit expenditure in any accounting period beyond an approved annual budget without Council approval recorded by specific resolution.
13. Fail to pay staff when due.
14. Approve expenditure, which, although in keeping with the Ends policies, is beyond the Council's ability, using budgeted resources, to meet.

15. Fail to report any material variances of revenue or expenditure from budget figures.
16. Allow tax payments or other Government ordered payments or returns to be overdue or inaccurately completed.
17. Contravene generally accepted accounting standards and principles.
18. Authorise expenditure on unbudgeted – for items beyond \$10,000.
19. Acquire, encumber or dispose of land and buildings without Council approval.  
Fail to diligently pursue overdue receivables.
20. Commit capital expenditure of more than \$200,000 for roading work approved in the District Land Transport Programme or of more than \$100,000 on any individual item provided for in any other current approved capital programme.
21. Allow staff purchases to be made within the Council's purchasing system.

# Emergency Chief Executive Succession

## Policy Type – CE Limitations

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In the event of the Chief Executive or her/his nominee being unavailable, the Mayor and Deputy Mayor have responsibility to appoint an interim Chief Executive.<sup>3</sup>

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<sup>3</sup> 07/RDC/216 – 30 August 2007.

# Protection of Assets

## Proposed amendments to align with Procurement Policy April 2010

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### Policy Type – CE Limitations <sup>4</sup>

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The CE shall not without express Council consent allow the assets of the Council to be unprotected, inadequately maintained, or unnecessarily placed at risk. Therefore, the CE shall not:

1. Receive, process or disburse funds under controls that are insufficient to meet the standards acceptable to the duly appointed Auditor.
2. Make any purchase of goods or services which exceed the financial thresholds in the Council's procurement policy
3. Make any purchase without protection against conflict of interest and without assuring the balance of long term quality and cost:
  - a. Of over \$50,000 where the acceptance of the tender is authorised by the staff member supervising or overseeing the contract.
  - b. Where, because of urgency, emergency or the specialised nature of the transaction, it is not possible to apply Policies (a) to (d) above, the reason for the departure is not recorded and attached to the payment advice.
  - c. Pay for goods and services not yet received unless in circumstances in accordance with acceptable business practice and where the Council is not exposed to undue risk.
  - d. Fail to recognise competing local suppliers, and shall therefore endeavour to vary procurement provided quality, price, and reliability are acceptable.
  - e. Fail to report to the next Council meeting the nature and value of any contract let over \$100,000.
4. Allow abuse or misuse of assets.
5. Subject Council plant and equipment to improper use, wear and tear or insufficient maintenance or allow inappropriate and unauthorised use.
6. Fail to ensure that all property, fixed assets and attractive items are recorded in an appropriate and up to date Asset Register.
7. Fail to ensure that there are appropriate and effective security systems in place to adequately safeguard against loss, damage, or theft of staff, customer and Council property and information.

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<sup>4</sup> Resolved Minute Number 10/SPP/007, 11 February 2010

8. Allow assets to be insured for less than is considered necessary for prudent risk management.
9. Allow intellectual property, information or files to be used for purposes other than in the Council's best interests.
10. Unnecessarily expose or fail to insure the Rangitikei District Council, the Council and staff against claims of liability (including foreseeable claims for public liability).
11. Endanger the Council's public image or credibility, particularly in ways that would hinder the accomplishment of the Council's Ends policies.
12. Contravene the exclusion clauses of insurance policies.

## **Remuneration and Benefits**

### **Policy Type – CE Limitations**

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With respect to employment, compensation and benefits to employees, consultants, and contractors, the CE shall not in any way jeopardise the Council's financial integrity or good name in the community. Therefore, the CE shall not:

1. Change his / her own remuneration or benefits.
2. Promise or imply permanent or guaranteed employment.
3. Establish staff remuneration or benefits that vary markedly from industry averages in the sector having regard for the employee's skills and experience and the market conditions for such skills and experience.
4. Create obligations that cannot be met over the projected period of the individual's term of employment or over a period longer than that for which revenues can realistically be projected.
5. Cause unfunded liabilities to occur or in any way commit the Council to benefits that incur unpredictable or unsustainable future costs.
6. Allow any employee to accrue leave entitlements (other than sick leave) beyond 24 months without informing the Council.
7. Allow any employee to lose accrued benefits due under existing contract arrangements.
8. Establish or change superannuation benefits so as to cause unpredictable or inequitable situations.

# Communication and Support to the Council

## Policy Type – CE Limitations

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The CE shall not permit the Council to be uninformed or unsupported in its work. Therefore, the CE shall not:

1. Neglect to submit data in a timely, accurate and understandable fashion addressing the policies being monitored by the Council.
2. Fail to inform the Council of significant trends, implications of Council decisions, and issues arising from policy matters or changes in the basic assumptions upon which the Council's policies are based.
3. Fail to inform the Council when for any reason there is actual or anticipated non-compliance with a Council policy.
4. Within the available resources fail to marshal for the Council as much information and as many points of view and opinions as needed to allow the Council to make fully informed choices.
5. Fail to inform the Council of such occasions when it violates one of its own policies, particularly when this relates to the CE's ability to carry out his / her responsibilities.
- 5a.<sup>5</sup> Fail to advise the Council when for any reason there is actual or anticipated non compliance with any statute, regulation, common law decision, or any standard or Code that the Council is required to abide by.
6. Fail to advise the Council when for any reason there is actual or anticipated non compliance with any statute, regulation, common law decision, or any standard or Code that the Council is required to abide by.
7. Fail to ensure that there are effective communication channels relevant to the Council's responsibilities.
8. Fail to deal with the Council as a whole except when responding to reasonable individual requests for information or requests from Council committees or working parties.
9. Amend or alter Council decisions or approved Council documents.

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<sup>5</sup> Amended as per resolution 02/RDC/214

# Equal Employment Opportunities

## Policy Type – CE Limitations

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The CE shall not allow conditions to occur that are inconsistent with the principles of equal opportunities in employment, training and promotion or which would constitute discrimination as defined in the Human Rights Act. Accordingly, the CE shall not:

1. Allow the selection or employment of staff on any basis other than an impartial assessment of their ability to achieve the excellent performance standards needed to attain the Council's goals.
2. Remunerate employees other than in response to their level of authority, responsibility, accountability, technical competence and achievement of results.
3. Fail to take all reasonable steps to provide every employee with a working environment free of harassment.
4. Fail to provide all employees with equitable access to training and skills development

# Public Affairs

## Policy Type – CE Limitations

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The CE shall not approve or in any way support any advocacy and public affairs action or activity which is inconsistent with the Council's Ends policies or in any way brings the Council's name into ill-repute. Accordingly, the CE shall not:

1. Approve or initiate the publication of material or the making of statements by any staff member, or outside agency on behalf of the council, unless the content is consistent with the Council's policies or its agreed on any matter referred to.
2. Make any statements to the press or any other public media or in any public setting that are derogatory or in any way damaging to the Council.
3. Engage personally, or allow key staff to engage, in any other public role or activity that is inconsistent with the achievement of the Council's Ends policies.
4. Endanger the Council's public image or credibility, particularly in ways that would hinder the accomplishment of the Council's Ends policies.
5. Take any action that would compromise a constructive and appropriate working relationship with the news media.

# Employment of Staff

## Policy Type – Executive Limitations

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With respect to the discharge of the CE's statutory responsibility for the employment of staff and the negotiation of their terms of employment the CE may not take the following actions without consultation with the Council:

Fix remuneration and establish performance criteria, which are not within the overall policy and budget fixed by the Council.

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### Table

*Employment of Staff: Policy Type – Executive Limitations*

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Amendment: Council Resolution 99RDC94 – 16 December 1999

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# Business Continuation

## Policy Type – Executive Limitations

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The CE shall not allow a situation to occur whereby the Council is unable to function effectively and to provide essential services. Accordingly, the CE shall not:

1. Fail to carry out and maintain in an up to date form appropriate assessments and evaluations of the risk factors that could conceivably disrupt Rangitikei District Council's effective and efficient operation.
2. Fail to ensure that the Council has in place current and operable plans and systems that, in the event of disruptive events, will allow continuity of the Council's business.
3. Allow the technology, systems and services on which the Council relies, and/or for which the Council is responsible, to fail to function normally, as a consequence of the "Year 2000" problem.

# Legal Compliance

## Policy Type – CE Limitations

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<sup>6</sup>The CE shall not allow any policies, operations or any other action of Council to be in breach of any statute, regulation, common law decision, or any other standard or code that the Council is required to abide by. Accordingly, the CE shall not:

1. Fail to develop, implement and maintain an internal legal compliance system.
2. Fail to regularly report to Council on the performance of the Council with regards to legal compliance.
3. Fail to publicly report the Council's performance with regards to legal compliance not less than once per year in the Annual Report.

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<sup>6</sup> Resolved Minute Number: 02/RDC/214 – 28 November 2002



# Governance Process Policies

# Overarching Governance Process Policy

## Policy Type – Governance Process

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In terms of governing process the obligation of the Council, on behalf of ratepayers and residents is to see to it that the Rangitikei District council achieves what it should and avoids unacceptable actions and situations.

# Governing Style

## Policy Type – Governance Process

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The Council will govern with a positive emphasis on:

1. Outward visions rather than internal preoccupation.
2. Encouraging and acknowledging diversity in viewpoints.
3. Strategic leadership rather than administrative detail.
4. Ensuring there is a clear distinction between the Council and CE roles.
5. Collective rather than individual decisions.
6. The future rather than the past or present.
7. Proactively rather than reactivity.
8. The interests of the district as a whole.
9. Openness and transparency.
10. Effective communication with the community.

# Council Job Description

## Policy Type – Governance Process

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The specific job output of the Council is a policy framework that converts citizen interests and expectations into Council performance and achievement and also enables the Council to give effect to its responsibilities under the Local Government Act and other relevant legislation.

1. The Council will define and nurture the link between the Council and the ownership (citizens).
2. In order to fulfil its governing responsibility to provide leadership and a framework or accountability for the Council's operational performance the Council will produce written governing policies that, at the broadest levels, address each category of Council decision.
  - A. **Executive Limitations:** Establishing constraints on CE authority that establish the prudence and ethical boundaries within which all staff activity and decisions must take place.
  - B. **Council – CE Linkage:** Defining the nature of the relationship between the Council and the CE; how power is delegated and its proper use monitored and evaluated; and defining the authority and accountability of the CE role
  - C. **Governance Process:** Specifying how the Council conceives, carries out, monitors its own task and improves its own performance over time.
  - D. **Ends:** Defining desirable and/or statutory Council effects, benefits, outcomes, recipients, and their cost or relative worth (“what good, for which recipients, at what cost”).
3. The Council will produce assurance of CE performance against policies in #2A and #2B.

# Council Meetings

## Policy Type – Governance Process

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To hold monthly Council meetings.<sup>7</sup>

The Strategy Committee every second Thursday of every second month<sup>8</sup>.

The four Committees of Council bi-monthly<sup>9</sup>.

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<sup>7</sup> With effect from 1997 Council set ordinary meetings of Council (28 November 1996) in every second month with its Standing Committees of Finance, Works and Environmental and Regulatory meeting every two months on the months Council does not meet. Extraordinary and Special meetings are scheduled as required.

<sup>8</sup> Resolved Minute Number: 05/RDC/094 – 31 March 2005

<sup>9</sup> Resolved Minute Number: 05/RDC/093 – 31 March 2005.

# Council Meeting Agendas and Minutes

## Policy Type – Governance Process

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Regular reports shall be provided to Council to enable it to monitor its progress and development and to make decisions on specific matters of business, which require Council's attention.

### *Availability of Meetings*

Agendas for meetings are to be received by members and made available to the public no later than three working days before the meeting. They shall include Minutes of the previous meeting and Council Agendas shall include Minutes of Committees and Community Boards.

### *Regular (Status) Reports to Council and Committees*

Regular reports shall be presented to Council each month and shall include comment on any relevant matters of interest as well as progress achieved against the objectives and performance measures of the Annual Plan. They shall advise Council of the status of its activities where no immediate decision is required. They shall be accurate, concise, factual and comprehensible. (Refer also 1.4.5, 1.4.7, 1.4.8 and 1.4.10)

### Financial

Refer also to Policy Manual (CLG 5)

Council shall be provided with a monthly financial report, which includes:

- An executive summary of activities and highlights to date.
- Actual vs budget by activity.
- Balance Sheet.
- Cashflow forecast.
- District operations statement.
- Notes on variances.

The report shall also include information on investments, the status of rates collection and arrears and sundry debtors.

### *Format of Action Reports to Council and Committees<sup>10</sup>*

That the new report format be adopted as a Management Document, but that any report under the proposed format meets the requirements of Policy Quality for reports, which is part of Governance Policy.

Subject Heading:

1. Executive Summary.
2. Context.
3. Analysis.

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<sup>10</sup> Council Resolution 03/RDC/067 – Amended: Resolved Minute Number: 04/RDC/218 – 30 September 2004

4. Conclusions.
5. Recommendation.

*Recordkeeping for Council proceedings*

The minutes of Council, Committees and Community Boards shall be made and maintained in accordance with the requirements set out in NZS 9202:2003 Model Standing Orders for territorial authorities and any subsequent amendment, having regard for current statutory provisions for recordkeeping.

In addition to these requirements,

- a summary shall be prepared of any oral report presented by the chair at the commencement of a meeting of the Council, Committee or Community Board;
- a summary or transcript (as directed by the chair) shall be made when a member provides a personal explanation;
- for Te Roopu Ahi Kaa, recordkeeping shall have regard to members' expectations over the recording of oral testimonies, and the minute-taker will be guided by the chair on this. Comments of each speaker to korero will normally be noted, but the notes will not be a transcript unless the chair directs otherwise in the minutes of Te Roopu Ahi Kaa.

These will form part of the formal record of such meetings.

The record of hearings under the Resource Management Act 1991 shall be made and maintained in accordance with the requirements of that Act and with any direction which the Council is empowered to make with respect to the recording of evidence and submissions.

The record of hearings at any other public meeting of Council, Committees and Community Boards shall be confined to:

- the text of written submissions provided before or circulated at the hearing, together with
- a précis of any oral submission in the following form

Submitter's Name	Submitter's organisation affiliation (if any)	Topic	Outline of major new or additional points raised	Summary of key questions posed by Elected Members and responses
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The minute-taker's notes and tapes made during any meeting or hearings held by the Council, Committee or Community Board are regarded as informal records and normally will be destroyed after the minutes have been confirmed (normally at the next meeting).

The record of a Council workshop shall be confined to:

- a copy of all briefing materials provided before the workshop or circulated to participants during the workshop;
- documentation made during the workshop, subsequently transcribed and circulated to all Elected Members and other workshop participants; and
- a statement of all agreed issues to be raised and and/or conclusions requiring ratification at a formal meeting of the Council, Committee or Community Board.

#### Recordkeeping for public meetings arranged by the Council

The record of a facilitated public meeting arranged by the Council, committee or Community Board shall be confined to

- documentation made during the meeting, subsequently transcribed, and
- an overall summary of the meeting for distribution to participants and to the Council, Committee or Community Board (as appropriate) where a resolution to receive the summary, with or without qualification, provides verification of the record as a public record.

No record is maintained of the proceedings at any public meeting called by the Council, Committee or Community Board that is held to present information (irrespective of what discussion ensues), other than where and when such a meeting was held and for what purpose.<sup>11</sup>

#### *Receipt of Complaints*

All complaints and service requests received shall be attended to promptly and effectively. A register of complaints and service requests is to be maintained and reported to Council on a monthly basis.

#### *Policy Advice*

Refer also to Policy Manual.

An effective policy co-ordination mechanism shall be maintained so that all relevant parties have appropriate input to policy issues. All policy recommendations are to be referred to the Executive Management Team before presentation to Council. All advice and recommendation is to be accurate, fully researched and shall include comment under the following headings:

- Executive Summary and Background
- Options
- Implications – legal and otherwise
- Community Perceptions
- Interrelationship with the Annual Plan
- Costs – setup and ongoing
- Recommendation.

#### *Action Taken Under Specific Delegated Authority*

A report shall be presented to each Ordinary Council meeting, showing staff action taken under specific delegated authority.

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<sup>11</sup> Resolved Minute Number: 06/POL/016 – 16 February 2006

### *Use of Common Seal*

All use of Common Seal as provided by delegated authority shall be recorded and reported to Council.

### *Use of Council Seal*

The Council Seal of the Rangitikei District Council shall be affixed, under delegated authority as required, to those documents that are processed under delegated authority and requiring Council's seal, this includes:

- Special Orders
- Contracts
- Leases
- Memorandum of Transfers.
- Survey Plans
- Sale and Purchase Agreements
- Licences to Occupy
- Officers' Warrants

Use of the Seal shall be reported to Council at its next immediate meeting.

### *Legislation Changes Affecting Council*

Council shall be advised promptly of proposed significant legislative changes affecting it.

### *Exclusion of the Public from Meetings*

Refer also Code of Conduct 3.7, 5.7. 6.4

In preparing reports for presentation to Council, staff must bear in mind the provisions of the Local Government Official Information and Meetings Act 1987 and must advise the Chairperson of the meeting before the Agenda is finalised, if they consider that the public should be excluded from any part of the business of the report.

# Members Remuneration<sup>12</sup>

## Policy Type – Governance Process

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### Salary

The Mayor shall be paid the salary specified as payable to the Mayor in the applicable Local Government Elected Members' Determination made by the Remuneration Authority

Elected Members (including all councillors and community board members) shall be paid the salary specified as payable to their position in the applicable Local Government Elected Members' Determination made by the Remuneration Authority.

Every Elected Member must complete a tax declaration form and receive the salary payable to him or her, less any withholding tax.

### Expenses and Allowances

#### Authentication of Expense Claims and Allowances

Elected Members may make a claim for expenses incurred in the course of business as an Elected Member, in accordance with the rules specified in this policy.

All claims for expenses must be for the **actual and reasonable costs incurred**. All claims must be made on the appropriate form **together with a tax receipt**, and submitted to the Finance Department, which will maintain records of all expense claims.

Approval of Elected Member expense claims will be made by the Chief Executive or her nominated representative.

Elected Members should endeavour to submit all claims for expenses within 60 days of the expense occurring.

#### Mileage

The normal rate of mileage payable to Elected Members is the maximum allowable by the Remuneration Authority.

Mileage is payable to Elected Members (including Community Board members) for return travel from their normal place of residence to the venue of the meeting, workshop or gathering to which they are invited or expected to attend as a representative of the Council or Community Board. A claim for mileage must be made on the appropriate form.

A claim for mileage will only be accepted where an actual and reasonable expense has been incurred by the claimant. Where possible, Elected Members should endeavour to carpool to meetings.

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<sup>12</sup> Resolved by Council 15 November 2007, subject to approval by the Remuneration Authority.

The Mayor shall keep a vehicle log book for travel detailing the date and kilometres travelled on Council business. The Mayor will be reimbursed for travel up to 15,000 kilometres annually, at the normal rate of mileage.

#### *Out-of-District Travel and Accommodation Expenses*

Travel and accommodation expenses may be incurred when an Elected Member is required to travel out of the District as a representative of the Council for official Council business (for example, the Local Government New Zealand Annual Conference). Elected Members may be reimbursed for such expenses subject to the following rules.

- Wherever possible, travel and accommodation should be booked in advance. This is best achieved through liaison with the Executive Assistant to the Mayor and Chief Executive. This is to enable the most cost-efficient and appropriate purchasing arrangements.
- Where it is not possible to book in advance, a claim may be made by the Elected Member. Such claim should be made on the appropriate form and supported by tax receipts.
- If an Elected Member chooses to stay at private accommodation (for example, with friends or family), a claim for accommodation expenses may not be made.
- Costs of incidental travel (such as to and from the airport to the hotel or venue of the meeting) may be reimbursed.

#### *Entertainment and Hospitality Expenses*

The Mayor may be reimbursed for entertainment and hospitality expenses (such as meals) incurred while acting as the Council representative.

Elected members other than the Mayor may be reimbursed for actual and reasonable meal expenses while acting as Council representatives.

All Elected Members should endeavour wherever possible to make arrangements for entertainment and hospitality (including meals) prior to the event (for example, by liaising with the Executive Assistant to the Mayor and Chief Executive).

#### *Communications and Technology Allowances*

Effective communication tools are vital to the Mayor and Councillors. To operate effectively as representatives of the District, the Mayor and Councillors should have the following equipment:

- A telephone landline
- A cellphone
- A desktop or laptop personal computer with printer.
- A broadband internet connection.

Council will provide the following allowances, payable monthly, to the Mayor and Councillors as listed:

	<b>Mayor</b>	<b>Councillors</b>
Telephone landline	\$21.80 (being half the cost of monthly line rental)	\$21.80 (being half the cost of monthly line rental)
Cellphone	Cellphone plan and calls to the value of \$100	Cellphone plan and calls to the value of \$50
High-speed internet	\$20 (being half the cost of the mid-range plan provided by Xtra)	\$20 (being half the cost of the mid-range plan provided by Xtra)

Where the value of an allowance is fixed to a price set by a commercial operator and that operator changes their prices the allowance will only be increased following an amendment to this policy made by Council resolution, and subject to the approval of the Remuneration Authority.

*Partner's/Spouse's Expenses*

Expenses incurred by an Elected Member's partner or spouse will not be reimbursed **except** as provided below.

- The travel and accommodation expenses of the Mayor's partner or spouse may be reimbursed when accompanying the Mayor to the Local Government New Zealand Annual Conference.

# Council's Standing Orders<sup>13</sup>

## Policy Type – Governance Process

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That Council adopts the Model Standing Orders NZS 9202:2003 incorporating Amendment No. 1. 102

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<sup>13</sup> Council Resolutions 04/RDC/265, 04/RDC/266, 04/RDC/267, 04/RDC/268 – 11 November 2004

# Submissions<sup>14</sup>

## Policy Type – Governance Process

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Responding to requests or opportunities is delegated to a reference group comprising the Chief Executive, the Mayor, and the Chair of the Council Committee that would ordinarily deal with the matter.

In deciding whether a submission is needed, the reference group will consider whether the issue has a potential or real effect on any of the Council's Ends Policies. If it is decided to make a submission comment from all Councillors will be invited.

When a submission is prepared, a copy of each signed-off submission will be sent to each Elected Member, and placed on the Council's website, and if sufficient resources are available the Chief Executive will arrange a media release on the submission.

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<sup>14</sup> Council Resolution 98:RDC69 – 17 December 1998, Replacement Council Resolution 01/RDC/08 – 29 March 2001, Replacement Council Resolution 04/RDC/402 – 16 December 2004, Replacement: Resolved Minute Number 05/POL/044 – 16 June 2005

## Policy Type – Governance Process

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Prompt and accurate advice will be regularly provided to ratepayers and residents on relevant aspects of the Council's operations.

The Rangitikei District Council shall enhance and maintain an identity or image as an efficient and consultative organisation, which communicates in an informative and open manner with its public by:

Producing an information sheet, which includes details about elected members and their areas of responsibility, as well as the Chief Executive and Executive staff, and any other Council information, which is considered to be important. This sheet is to be made available by Council members whenever the opportunity arises to enable the community to readily identify individual elected members and their areas of interest. This information sheet is also to be sent out with the Rates Notices on an annual basis.

Ensuring that communication on policy matters with the public, through the press, is properly co-ordinated to enable a consistent approach to be taken. Elected members will confer with the Chief Executive before making any press statements on matters of policy, but such consultation does not apply to any statements they may wish to make to the press of a general nature.

Holding informal meetings with the public on a Ward-by-Ward basis to enable people to meet and discuss matters of importance with their elected representatives. These meetings shall not compromise the role and responsibilities of the Community Board members.

Being proactive in providing information to members of the press in order to keep them well informed about Council matters. Staff and Council members also being readily available to answer in an accurate and timely fashion, any queries on issues of importance to the community.

All District Council staff being as well informed as possible on a wide range of topical issues which will enable queries from the public to be answered promptly and factually.

All Councillors being kept informed as to any changes in staff positions and significant changes to individual staff responsibilities.<sup>16</sup>

Getting public input from time to time, by way of simple surveys or questionnaires on specific issues, to assist the Council in making informed decisions, and ensuring that the results of these surveys/questionnaires are made known to the general public as quickly as possible after the survey/questionnaire has been completed and analysed.

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<sup>15</sup> Council Resolution 97:RDC66 – 28 August 1997.

<sup>16</sup> Council Resolution 06/RDC/192 – 29 June 2006

# Statements to the News Media

## Policy Type – Governance Process

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Official statements to the news media may only be made by the Mayor and those Councillors and staff with specific delegated authority to do so. In any event response from staff is to be restricted to matters of fact and shall not include opinion or gratuitous statements.

Refer to Code of Conduct 5.0, 5.1 to 5.8

# Public Participation (Consultation Policy)<sup>17</sup>

## Policy Type – Governance Process

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The purpose of the Rangitikei District Council is:

- To enable democratic local decision-making and action by, and on behalf of, communities; and
- To promote the social, economic, environmental and cultural well-being of communities, in the present and for the future; and
- To make responsible decisions in the interest of the District.

The Rangitikei District Council believes that public participation is an essential part of good local government. It is aware that a failure to engage effectively with its community deprives individuals and organisations of a most important method of communication and opportunities to contribute to democratic local decision-making and action.

### *Purpose of the Policy*

The purpose of this policy is to outline factors to be considered in relation to public participation processes and to:

- Facilitate the Council's practice in terms of public participation – procedures and guidelines form an integral part of this policy;
- Promote a sense of community by encouraging public involvement in decision-making processes and by giving feedback to the community;
- Assist the Council to assess the requirements of various communities within the District;
- Strengthen and improve Council decision-making by obtaining, through participatory processes, input from the individuals, organisations and communities who are likely to be affected by particular decisions;
- Provide a framework within which Council will work to engage with the community, so that those carrying out participatory exercises are able to approach each unique exercise from a similar basis with a best practice focus; and
- Ensure that within the broader framework of public participation Council's statutory obligations for consultation are met and all legal requirements are fulfilled.

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<sup>17</sup> Council Resolution 01/RDC/154 – 29 November 2001, Amendment: Resolved Minute Number: 04/RDC/019 – 29 January 2004, Replacement: Resolved Minute Number: 04/RDC/228 – 30 September 2004.

### *Desired Outcomes of the Policy*

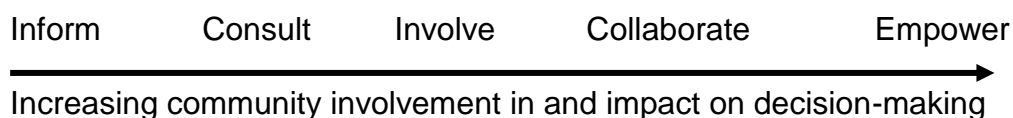
The outcome the Council seeks is that engagement of the public in any participatory process shall be carried out in accordance with best practice and within the parameters of discretion outlined in 2.3 of this Policy.

When the Council elects to engage with the community on an issue, it will do so in accordance with this policy

The Council is committed to encouraging and facilitating community participation in the decision-making process for all people who have a stake in the future of the Rangitikei District.

### *Public Participation and Decision-making*

Public participation may be realised at different levels such as those illustrated by Good Practice Participate ([www.goodpracticeparticipate.govt.nz](http://www.goodpracticeparticipate.govt.nz)) or the International Association for Public Participation ([www.iap2.org](http://www.iap2.org)). These range from notification or informing through consultation, involving, and collaboration, to empowerment:



*(Adapted from IAP2 The International Association for Public Participation)*

At each level there are various techniques for engaging the public, each with different goals. These techniques are detailed in the accompanying Guidelines.

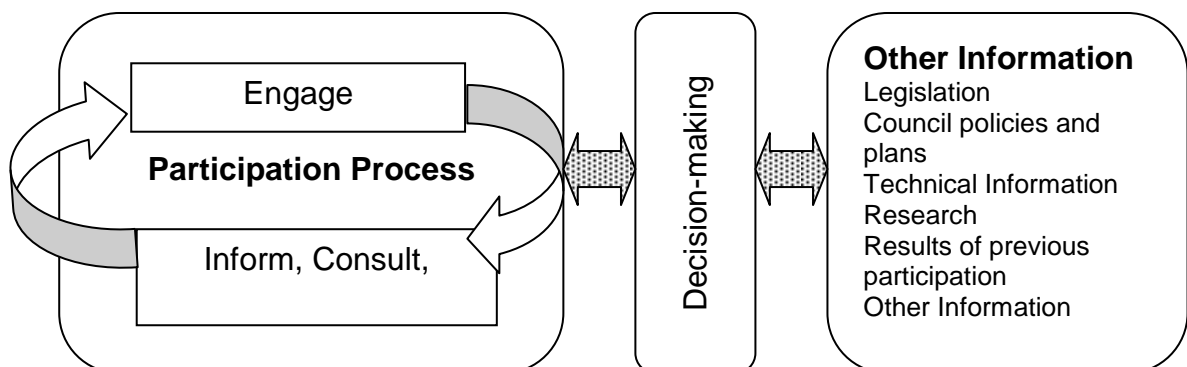
Public participation in decision-making is an interactive process. Input from public participation is not, however, the only consideration when making decisions. Other information is taken into account, including legislation, Council policies and plans, technical information, research, results from previous public participation exercises and other information.

The following diagram demonstrates that:

Both participatory exercises and other information contribute to decision-making.

Public participation is an interactive process of engagement and participation.

Methods of engaging the public in participatory exercises can range, on a continuum of increasing involvement, from informing to empowerment.



(adapted from 'Engage, Participate, Decide!', Auckland Regional Council)

### *Principles for guiding public participation*

#### Community Involvement

Council will encourage community input and involvement at an appropriate stage in the decision-making process. In aiming for balance and representation. Council will, as far as reasonably practical, recognise those most affected by a particular issue and those groups with a special interest.

#### Information

Council will provide people with reasonable access to relevant information in a manner and format that is appropriate to their needs and preferences. Such information should clearly states the purpose of any consultation and the scope of the decisions to be taken following consideration of the views presented.

#### Accessibility

Council will provide the public with reasonable and timely opportunities to have their say in a manner, which is appropriate to them.

#### Openness

In giving due consideration to the views presented, Council will take into account both the Local Governance Statement and Code of Conduct, and make decisions with an open mind.

#### Communication

Council will provide participating members of the public, information concerning both the relevant decisions and the reasons for those decisions.

#### Engagement with Māori

Council will foster its relationship with Te Tangata Whenua O Rangitikei as established in the Memorandum of Understanding: Tutohinga.

#### Continual Improvement

Council will evaluate all participatory exercises and learn from experience about what is most effective. This will assist Council in its responsibilities to make judgements in relation to future decisions.

Council will use community representation for regular ongoing consultation, for example through the Community Boards, Community Committees and Residents Associations. Specialist groups such as REG will also be able to provide ongoing advice to Council on specific issues.<sup>18</sup>

#### *Council Discretion*

Council will exercise discretion over engagement with the public when:

An issue is already addressed by Council policies or plans.

A decision has already been made due to legal or other appropriate/technical options.

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<sup>18</sup> Amended by Council resolution 07/RDC/100 – 26 April 2007

The views and preferences of the affected or interested parties are already known to a reasonable degree.

The cost of any participation/consultation exercise outweighs the benefits.

An issue is not of a nature or of significance that requires public engagement. Significance here is to be interpreted as in s.82(4)(c) of the Local Government Act 2002 and with regard to the Council's Significance Policy.

A deadline exists that means there is insufficient time for effective participation and the issue is not significant for the District or where the Council is called upon to make a significant decision quickly and the likely cost of the delay will outweigh the benefits of consultation.

Confidentiality is allowed under the Local Government Official Information and Meetings Act 1987 and judged by the Council to be in the wider public interest.

In matters of public health and safety, a delayed decision will continue or increase any risk. Council will however, work with affected parties to deal with their concerns where practicable.

#### *Consultation*

Within this broader framework of public participation, there are times when Council is required by statute to consult. This includes, but is not limited to, undertaking a special consultative procedure under Local Government Act 2002 to:

- Adopt a Long-term Council Community Plan (LTCCP) or annual plan;
- Amend an LTCCP;
- Adopt, revoke, review or amend a bylaw; or
- Change the mode of delivery for a significant activity if that is not provided for in an LTCCP.

Council may be required to use the Special Consultative Procedure under other legislation or may use the procedure in other circumstances as it determines.

#### *Best Practice*

In addition to the principles outlined above, the Council will be guided in its participation/consultation practice by best practice guidelines including, but not limited to, the recommendations of the Controller and Auditor General (1998 – 'Public Consultation and Decision-making in Local Government') in respect of the special consultative procedure; Local Government Know How in respect of the Local Government Act 2002 in general, and the OECD (Organisation for Economic Co-operation and Development) in respect of e-consultation.

#### *Participation/Consultation Register*

Council will establish a central participation/consultation. Details can be found in the accompanying Guidelines.

# Provision of Information from District Records

## Policy Type – Governance Process

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To provide information from Council's records as requested by members of the public and interested parties, having regard to the requirements of the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. A charge shall be made to recover all reasonable costs incurred by Council in providing the information and where this is considered appropriate the person requesting the information must be provided with an estimated cost of providing the information and confirmation of the request and acceptance of the estimated cost must be obtained before committing Council to any material cost.

# Local Authority Members Pecuniary Interest

## Policy Type – Governance Process

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The onus for not breaching the Local Authorities Members Interest Act 1968 rests with each elected member.

# Treaty of Waitangi<sup>19</sup>

## Policy Type – Governance Process

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To encourage and promote a partnership with the Tangata Whenua and Iwi representatives by regular communication and consultation on matters of interest to Māoridom within the District.

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<sup>19</sup> Memorandum of Understanding – Tutohinga, Resolved Minute Number: 04/RDC/266 – 30 September 2004.

# Legal Compliance<sup>20</sup>

## Policy Type – Governance Process

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The Rangitikei District Council is committed to ensure that all the legal requirements it operates under are complied with. It will achieve this at all times through strong internal systems and regular reporting.

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<sup>20</sup> Resolved Minute Number: 02/RDC/214 – 28 November 2002.

# Agenda Planning

## Policy Type – Governance Process

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To accomplish its job products with a governance style consistent with Council policies, the Council will follow an annual agenda that: (a) completes re-examination of Ends policies annually; and (b) continually improves Council performance review and enriched contributions and deliberations.

1. The cycle will conclude each year on the last day of October so that administrative planning and budgeting for the next 12 month segment can be based on the accomplishment of the most recent statement of the Council's long term Ends policies.
2. The cycle will start with the Council's development of its agenda and work programme for the next year:
  - a. Consultation with defined groups of 'owners' and stakeholders, and any other means of obtaining input from owners in particular will be defined and scheduled for the balance of the year.
  - b. Governance performance education and education related to ends determination (eg: presentations and discussions with advocacy groups and staff) will be defined and scheduled for the balance of the year.
  - c. The Council will undertake an annual assessment of its effectiveness based on the fulfilment of its overall responsibilities as defined in these policies.
  - d. Throughout the year the Council will attend to consent agenda items as expeditiously as possible.
3. CE performance monitoring (over and above that referred to in the Linkage policies) will be included on the agenda if policy criteria are to be reviewed or if monitoring reports show repeated policy violations.

# The Mayor's Role

## Policy Type – Governance Process

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The Mayor's role is primarily to assure the integrity and fulfilment of the Council governance processes and, secondarily, in line with the Council's authorisation, to represent the Council to outside parties.

1. The Mayor's job is to ensure that the Council behaves consistently with its own rules and those legitimately imposed on it from outside the Council.
  - a. Meeting discussion content will be confined to those issues that, according to Council policy, clearly belong to the Council not the CE, to decide.
  - b. Deliberation will be fair, open and thorough but also timely, orderly and to the point.
2. The authority of the Mayor consists in making decisions that fall within topics covered by Council policies on Governance Process and Council – CE Linkage, except where the Council specifically delegates portions of this authority to others. The Mayor is authorised to use any reasonable interpretation of the provisions contained in these policies.
  - a. The Mayor is empowered to Chair Council meetings with all the commonly accepted power of the position (eg: ruling, recognising, etc).
  - b. The Mayor has no authority to make decisions about policies created by the Council within Ends and CE Limitations policy areas. Therefore, the Mayor has no authority, separate from the Council, to supervise or direct the CE.
  - c. The Mayor may represent the Council to outside parties in announcing Council-stated policies and in stating Chair decisions and interpretations within the areas delegated to him.
  - d. The Mayor may delegate this authority but remains accountable for its use.

# Council Members' Policy on Governance Process

## Policy Type – Governance Process

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The Council commits itself and its members to ethical, businesslike and lawful conduct, including proper use of authority and appropriate decorum when acting as Council members or representing the position of the Rangitikei District Council.

### 1. Introductory

- 1.1 This code of conduct provides guidance on the standards of behaviour expected of elected members (the Mayor and Councillors) of the Rangitikei District Council. It applies to elected members in their dealings with:
  - Each other.
  - Council management and staff.
  - The public.
  - The news media.
- 1.2 Aspects of the code of conduct also provide guidance on the standards of behaviour required of Council management. It is a voluntary code agreed to by the elected members and management to enhance:
  - The effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good government of the Rangitikei District.
  - The credibility and accountability of the Council within its community.
  - Mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.
- 1.3 This code of conduct seeks to achieve its objectives by recording:
  - An agreed statement in respect of responsibilities.
  - Agreed general principles of conduct or etiquette.
  - Specific codes of conduct applying to particular circumstances or matters.
- 1.4 Without successful teamwork any democratically elected organisation will have difficulty succeeding. No team will be effective unless mutual respect exists between leaders and members. This code seeks to facilitate more effective teamwork.

## **2. Respective Responsibilities**

- 2.1 The Local Government Act 2002, 3 (a), envisages a clear separation of roles and responsibilities between elected members and management. The office of the Mayor has additional characteristics created as much by custom as by legislation.

### **Elected Members (Council as a Whole)**

- 2.2 The elected members, acting as the Council, are responsible for:
- The development and approval of Council policy.
  - Determining the expenditure requirements of the Council through the annual plan process (including the long term financial strategy and funding policy).
  - Monitoring the performance of the Council against its stated objectives and policies.
  - Employing, overseeing and monitoring the Chief Executive.
- 2.3 The Council can only act by a majority decision at meetings. Each member has one vote, with the presiding member at any meeting having an additional casting vote in the case of an equality of voting. With certain exceptions, the exercise of the Council's powers can be delegated to committees or subcommittees or to individual persons.
- 2.4 The elected members are accountable to electors through the ballot box. They have declared that they will faithfully and impartially, and according to their best skill and judgement, execute and perform in the interests of the Rangitikei District, the statutory powers, authorities and duties vested in or imposed upon them as members (or in the case of the Mayor, as the Mayor) of the Rangitikei District Council.

In certain matters the elected members are also accountable to the Office of the Auditor General, for example in respect of illegal actions or expenditure, or for breaches of the Local Authorities (Members' Interests) Act 1968.

### **The Mayor**

- 2.5 The Mayor is one of the elected members, and shares the same collective responsibilities. The Mayor is elected by the District at large and is the presiding member at meetings of the Council, and as such is responsible under standing orders for the orderly conduct of Council business at meetings.
- 2.6 The Mayor has no power to commit the Council to any particular course of action except where specifically authorised to act under duly delegated authority.
- 2.7 The Office of Mayor carries with it an element of community leadership in addition to the statutory role as presiding member of the Council. The leadership role frequently requires the Mayor to act as community advocate, promoting the attributes of the community and representing its interests. Community leadership and advocacy will be more effective where it is carried out with the knowledge and support of the Council.

- 2.8 The Mayor is required to be a Justice of the Peace while holding office as Mayor.

### **The Deputy Mayor**

- 2.9 In addition to the responsibilities of Councillor, the Deputy Mayor is authorised to chair meetings of the Council in the Mayor's absence, and generally to perform the functions and duties of the Mayor:
- With the Mayor's consent at any time during the Mayor's temporary absence; or.
  - Without the Mayor's consent at any time while the Mayor is prevented by illness or other cause from performing the functions and duties or exercising the powers of office or while there is any vacancy in the office of Mayor.

### **Standing Committee Chair**

- 2.10 The Council charges the Chair of a Standing Committee with overseeing the business of that Standing Committee consistent with the powers delegated to it.
- 2.11 Standing Committee Chairs are responsible for ensuring the orderly conduct of their committees in carrying out their business.

### **Chief Executive**

- 2.12 The Chief Executive is responsible for the implementation and management of the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 119D of the Local Government Act 1974, the Chief Executive's responsibilities are:
- Implementing the decisions of the Council.
  - Providing advice to elected members.
  - Ensuring that all functions, duties and powers delegated to the Chief Executive or to any person employed by the Council, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised.
  - Ensuring the effective, efficient and economic management of the activities and planning of the local authority.
  - Ensuring the effective, efficient and economic management of the activities and planning of the local authority.
  - Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority.
  - Providing leadership for the staff of the local authority.
  - Employing, on behalf of the local authority, the staff of the local authority.
  - Negotiating the terms of employment of the staff of the local authority.

### 3. Decision Making

#### 3.1 Predetermination or bias:

Elected members are expected to approach decision making with an open mind (“faithfully and impartially”). This process requires elected members to listen carefully to competing advice and to weigh up the pros and cons before making their decision.

Where Council or a Standing Committee is hearing formal submissions at a Hearing, members should carefully avoid prior public comments, which show a predetermined bias or non-flexible attitude.

3.2 Decisions are made at various levels within the Council. Effective governance occurs when an organisation’s structure and operating principles recognise, through effective delegation, the need to empower elected members and staff to make decisions at strategic and operational levels, as appropriate to their role.

3.3 The Council is required to make decisions that take into account and balance the various needs and preferences of its residents. Good decision-making requires considered advice that addresses relevant matters and consequences.

3.4 The Council should only make decisions at Council meetings on those matters that are accompanied by management reports that address the considerations outlined in paragraph 3.7. While the Council may hear submissions and delegations and, within the limits of the legislation, discuss matters raised from the floor of the meeting, no decisions should be made unless the matter is accompanied by a written management report.

3.5 Similarly, Standing Committees of the Council will only make decisions at official Committee meetings where the item to be considered is accompanied by a management report that addresses the considerations outlined in paragraph 3.7.

3.6 Where an item of urgency arises which legitimately can be decided in terms of paragraph 3.8 and the timing precludes the preparation of a management report, the presiding member will call for a verbal report from the relevant manager.

3.7 In providing advice on such matters management will ensure that accompanying reports address the significant implications arising from any proposed recommendations, such as fiscal, environmental and/or social implications. Management will strive to ensure that advice meets relevant quality standards in all cases. (See **Appendix One** for example of a quality assurance process).

3.8 Matters not on the agenda will only be dealt with in accordance with section 46A(7) or (7A) of the Local Government Official Information and Meetings Act 1987. This means that minor matters relating to the general business of the Council may be discussed but not acted upon (other than by reference to a subsequent meeting) where the presiding member explains at the beginning of the meeting that the item will be discussed. Otherwise late items may only be dealt with at a meeting if

the Council resolves accordingly and the presiding member explains at the meeting the reason why the item is not on the agenda and the reason why discussion cannot be delayed until a subsequent meeting. In either case the presiding member's explanation must be made at a time when the meeting is open to the public.

- 3.9 The above requirements will also be taken into account when agendas are set for meetings of the Council and its Committees. As a rule items should be raised with the Chief Executive and identified sufficiently far in advance to allow management to provide the accompanying analysis and advice.
- 3.10 While the Council (the corporate body made up of all the elected members) is ultimately accountable, its function is not to make detailed decisions on operational matters. The Council committee structures and members day-to-day dealings with the Chief Executive should recognise the statutory responsibilities of the Chief Executive for the effective management of the Council.

#### **4. Behaviour of Members**

- 4.1 All elected members should insist on the respect and dignity of their office in their dealings with each other, management and the public. Elected members should remember that they have no personal power to commit the Council to any particular policy or course of action or expenditure. That can only be done by resolution at a meeting of the Council or a committee with delegated authority.
- 4.2 Councillors who have concerns regarding management matters should not raise them with any employee other than the Chief Executive, and at all times their dealings should be through the Chief Executive. Should an elected member have a concern and not be satisfied with the response of the Chief Executive the committee or Council process should be used to address the concern. That way elected members will be properly informed, particularly if any public explanation or comment is required. Statements that are contentious should be raised only after consultation with the Chief Executive.
- 4.3 Elected members, not officers, bear the ultimately responsibility for decisions made by themselves and by officers. Elected members should ensure that the anonymity of individual officers is preserved and should not comment publicly on the management or staff of the Rangitikei District Council.
- 4.4 When a decision has been made by the Council, and the decision is contrary to a particular elected member's point of view, that elected member's public statements should make it clear that they represent a minority view.
- 4.5 Elected members will act in good faith (ie: honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community.

- 4.6 Elected members will make no allegations, which are improper or derogatory. In the performance of their official duties, they should refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment.

## 5. External Communication

This policy is based on the following principles:

### a. Legitimacy and justification

Council can lawfully, and should, spend money on communications to meet a community's (or section of a community's) justifiable need for information about Council's role and activities.

**Communications should be consistent with the purpose of local government and in the collective interests of the communities the Council serves.**

All communications should comply with this and any other applicable Council policies and guidelines as to process (including authorisation) and content.

### b. Collective position

Communications on Council policies and decisions should reflect the collective position of the Council.

Communications on Council business should always be clear and attributed to the Council as the publisher.

### c. Standards of Communication

Factual and explanatory information should be presented in a way that is accurate, complete, fairly expressed and politically neutral.

### d. Consultation and public debate

**Communications about matters that are under consideration by the Council, or are otherwise a matter of public debate, should present the issues in an even-handed and non-partisan way.**

If engaging in public debate with an interest group or a section of the community, Council should use the news media (rather than a Council funded publication) and designated spokespersons (rather than professional communications advisers) unless there is a particular justification for doing so.

### e. Communications by Members

(in respect of communications by Members of their personal perspective, views or opinions as opposed to communication of Council matters in an official capacity) should:

- be clearly identified as such; and

- be confined to matters that are relevant to the role of local authorities.

Politically motivated criticism by one Member of another Member is unacceptable in any Council-funded communication.

**f. Members' personal profile**

Care should be exercised in the use of Council resources for communications that are presented in such a way that they raise, or could have the effect of raising, a Member's personal profile in the community (or a section of the community). In permitting the use of resources for such communications, the Council should consider equitable treatment among all Members. However, no communication should be undertaken without justification or regard for the cost.<sup>21</sup>

For the purpose of this policy the following definitions apply:

*Communications:*

Mandatory and discretionary communications include but are not limited to statutory documents, advertisements, Council newsletters, posters and pamphlets, newspaper articles reporting Council news and activities, information on Council's Website and media releases.

*Public statements:*

A public statement is a formal statement of facts or opinion (or both) made widely available.

- 5.1 Within the limits imposed by standing orders, at any meeting of the Council (or at any committee), every elected member (who has the right to speak at the meeting) has the right to express their opinion on any matter lawfully before the meeting. Once a matter has been lawfully determined at a meeting of the Council that determines the Council's position on that matter until it is lawfully changed by a subsequent decision of the Council. All elected members and management will respect this position.
- 5.2 Public statements representing Council policy or reporting decisions of the Council will be made only with specific or general authority of the Council, and will clearly state the person's authority for making the statement on behalf of the Council.

Generally:

- The Mayor is authorised to make statements accurately reporting decisions of Council meetings.
- Committee Chairpersons are authorised to make statements accurately reporting decisions of their committees, and factual statements relating to decisions of the Council or its committees.

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<sup>21</sup> Controller and Auditor General, *Good practice for managing public communications by local authorities*, p.14: section 4.4.

- Council’s representatives on other organisations must formally report back to the appropriate Committee at least once a year and are authorised to express Council’s views to these organisations<sup>22</sup>
  - The Chief Executive is authorised to make statements relating to any of the areas for which the Chief Executive has statutory responsibility, to *authorise other communications to facilitate the day-to-day operation of the Council*, and to manage matters such as editorial, and quality control and attribution.<sup>23</sup>
  - Other managers may make factual statements relating to their departments and other communications (with the approval of the Chief Executive).
  - The purpose of media releases is to initiate or respond to public comment about matters affecting the Council or its communities.<sup>24</sup>
- 5.3 As Council’s leader, the Mayor is generally spokesperson for all Council’s activities and processes; the Chief Executive is also the spokesperson for Council’s administrative activities and processes. The two roles are complementary and the Mayor and Chief Executive work closely together. Normally, where there is (or likely to be) considerable public interest, public statements will be the result of discussion between the Mayor and the Chief Executive, so that the Mayor concentrates on the broader significance of the matter while the Chief Executive explains critical detail or technicalities. The Chief Executive will be responsible for communication on internal operations and staff issues.
- 5.4 Otherwise, the Mayor, any other elected member, the Chief Executive, or an officer may make specific statements on behalf of the Council only with the specific authority of the relevant Council, committee or subcommittee meeting.
- 5.5 The Mayor may deal with the news media and make public statements relevant to the non-statutory role as a community leader, only where it is clearly stated that the views expressed are the Mayor’s own and are not made on behalf of the Council.
- No statements made in this capacity shall undermine any existing policy or decision of the Council.
- 5.6 Elected members are entitled to make public statements expressing their opinion on matters before the Council. All such statements should clearly state that they represent the personal opinion of the elected member and are not made on behalf of the Council. No such statements should criticise the conduct of the Council or of other elected members or officers of the Council nor undermine any existing policy or decision of the Council.
- 5.7 The Chief Executive, management and staff should not comment publicly on the performance of the Council or elected members.

<sup>22</sup> See policy CLG 3 “Council Membership and Representation on other organisations”, Policy Manual.

<sup>23</sup> OAG, *Good practice*....., p.21: section 4.44 (final sentence)

<sup>24</sup> OAG, *Good practice*....., p.10: section 2.3 (final bullet point)

- 5.8 A useful approach is to regard the roles of Members and management as complementary, and to encourage everyone to work together in partnership for the good of the Council and the community.<sup>25</sup>

### **Confidential Information**

- 5.7 Elected members have the responsibility to see that, whenever possible, business is conducted in “open” meeting. Powers to exclude the public should be used only where absolutely necessary and for the reasons permitted by law. Business conducted where the public is excluded remains confidential and should not be disclosed to outsiders until either the Council decides by resolution to make it public, or the Chief Executive determines in response to a request under the Local Government Official Information and Meetings Act 1987 or the Privacy Act 1993 that there is no longer good reason to withhold it under the Act. Subject to the Act, any information of a confidential nature ought not be communicated until it is no longer treated as confidential.
- 5.8 In view of the laws relating to predetermination and bias, personal statements relating to contentious matters should be made only after consultation with the Chief Executive.

## **6. Internal Communication**

- 6.1 The Mayor, Standing Committee Chairs and Chief Executive will meet informally (perhaps monthly) to maintain and promote effective communication. The function of these meetings is to ensure that all parties are familiar with the work being carried out by each; to improve co-ordination; and to ensure the business of the Council and its Committees is conducted in a timely and effective manner.
- 6.2 At every ordinary meeting of the Council, the Mayor should table a report within the agenda on any matters the Mayor wishes to draw to the attention of Council.
- 6.3 At every standing committee meeting, the Chair of that Committee should table a report in the agenda on any matters the Chairperson wishes to draw to the attention of the Committee.
- 6.4 Other elected members will provide reports on their attendances on behalf of the Council (refer to section 7).
- 6.5 All meeting agendas will be finalised by the presiding member (the Mayor in the case of Council meetings, the relevant Committee Chair in the case of Committee meetings) in consultation with the Chief Executive or Departmental Manager. Agendas will include reference to any delegations to be received at the meeting.

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<sup>25</sup> OAG, *Good practice*....., p.13: section 3,16

<sup>5</sup> Resolved minute number 06/POL, 13 April 2006

## **7. Gifts / Hospitality / Expenses**

- 7.1 Acceptance of gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. The offer and receipt of gifts, including special occasion goodwill gifts must be reported to the Chief Executive. Working lunches and social occasions should be undertaken in an appropriate manner.
- 7.2 Expenses and Allowances. An elected member is entitled to claim actual and reasonable expenses and allowances in connection with their duties. Rules for claims should be scrupulously observed.
- 7.3 Use of Facilities. Transport, stationery, or secretarial services, provided by the Council for use of an elected member, must be used for no other purpose.

## **8. Public Duty**

- 8.1 Elected members have a responsibility to the whole community of Rangitikei District.
- 8.2 Members who are elected on a ward or constituency basis have a special duty to that ward and will be expected to undertake local functions, and represent local issues and the constituents but not to the detriment of their district wide responsibilities.
- 8.3 Actions of all elected members need to be capable of being justified to the public. The reputation of the Council is dependent on elected members' conduct, and the public perception of this conduct.

## **9. Disclosure of Pecuniary and Other Interests**

- 9.1 The law makes specific provision requiring the elected member to disclose pecuniary (financial) interest. But interests, which are not pecuniary, can be just as important. Family connections, kinship, friendship, membership of an association, society, company or trade union, trusteeship and many other kinds of relationships can influence members' judgement and may give the impression that an elected member might be acting for personal motives. A good test is to consider whether others would think that the interest is of a kind to make this possible. If members are **in doubt**, disclose the interest, seek advice from the Chair or Chief Executive and if necessary withdraw from the meeting.
- 9.2 A member or some firm or organisation which the elected member is personally connected may have professional, business or personal interest within the area for which Council is responsible. Such interests may be substantial and closely related to the work of one or more of the Council's Committees or Sub-Committees, concerned with (say) planning or developing land, personnel matters, or the letting of contracts for supplies, services or works. Before seeking or accepting membership and particularly the chairing of any such Committee or Sub-Committee, that member should seriously consider whether membership would involve them.

- a. In disclosing an interest so often that the member would be of little value to the Committee or Sub-Committee; or
  - b. In weakening public confidence in the impartiality of the Committee or Sub-Committee.
- 9.3 The principles about disclosures of interest should be borne in mind with regard to unofficial relations with other elected members, at informal occasions no less scrupulously than at formal Council or Committee meetings.

## **10. Representing the Council**

- 10.1 Elected members who are invited or wish to represent the Council at an event such as a seminar or conference, must meet the following conditions:
- Council must approve any request involving members travelling outside the District at Council's expense but where a decision is needed between Council meetings the decision may be made by the Mayor in consultation with the Deputy Mayor.
  - The cost of representation must be within the annual budgeted figure for such activities unless the Council makes specific authorisation for additional expenditure.
  - Following his or her attendance, the member must forward a written report to the Council, or appropriate Standing Committee, which summarises the event including its potential significance to the business of the Rangitikei District Council. Where the Council is represented by a delegation, one member of the party will report back on their behalf. The above requirements also apply to management or staff representing the Council.
- 10.2 These requirements only apply to situations where members will be participating as representatives of the Rangitikei District Council. It does not apply to situations where they attend in a private capacity. In such cases the member may wish to report to the Council on items of interest or general value.

## **11. Implementation**

- 11.1 This Code is intended to provide guidance to elected members and management in their relationships and the exercising of their functions and duties. It should be read in conjunction with, and does not replace, the obligations set out in the Local Government Act, the Local Government Official Information and Meetings Act 1987, any other Act, and the Council's Standing Orders.
- 11.2 The parties to this code agree to abide by its provisions at all times having regard to the declaration of office and Council policy.

## **12. Community Board Members / Co-opted Members**

- 12.1 The obligations of Community Board Members and co-opted members are generally the same as for Councillors.

# Policy on Governance Process (Code of Conduct) - Appendix One

## Policy Quality

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The following guidelines will be applied as appropriate to ensure that the advice provided by Management to the Council and its Committees meets accepted quality standards.

To the extent that they are relevant and appropriate to the particular case, the following nine tests will be applied to all work produced:

- **Clear Purpose:** Papers set out clearly what is to be addressed and the background.
- **Flow Logically:** Arguments are set out coherently, the reader is taken logically through the arguments, all conclusions are justified and recommendations arise from the arguments in the paper.
- **Accurate:** Claims made are justifiable, facts are accurate, references can be identified.
- **Timely:** Work is produced to agreed timelines; any delays are signalled in advance and re-negotiated; parties are given the longest possible time to provide input.
- **Provides Assessed Options:** Alternative options for action are identified; implications and consequences of options are explored; options are linked to strategic goals and outcomes.
- **Reflects Consultation:** Work is based on good consultation practice as defined; all views are canvassed and taken into account; consultation practice includes stakeholders as well as membership and staff (where appropriate for internal processes).
- **Proposals Practical as to Implementation:** Proposals put forward have been tested for workability and likelihood of being achievable in application.
- **Material Clearly Presented and Error Free:** Material is presented in a modern professional style, free of gender bias, and with a minimum of jargon.
- **Costs / Savings are Identified:** Both in terms of financial and social costs / savings.

# Council Committee Principles

## Policy Type – Governance Process

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Council Committees, when used, will be assigned responsibility in a way that reinforces the wholeness of the Council's job and does not interfere with the delegation from Council to the CE.

1. Council Committees are to help the Council do its job and never to replace CE and staff responsibilities and prerogatives.
2. Committees will ordinarily assist the Council by preparing policy alternatives and implications for Council deliberation. In keeping with the Council's broader focus, apart from receiving briefing information, Council Committees will not normally address currently operational matters.
3. Council Committees may not speak for the Council except when formally given such authority for specific purpose. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the CE.
4. Because the CE works for the Council as a whole, she / he will not be required to obtain the approval of a Committee before taking an executive action.
5. A decision of a Council Committee exercising delegated authority is a decision of the Council and should be treated by the CE accordingly.
6. Council Committees are to avoid over-identification with Council parts rather than the whole.
7. Standing Committees will attend to ongoing responsibilities. Other Committees will be used sparingly and will only be established to facilitate the completion of specific tasks.

# Cost of Governance

## Policy type – Governance process

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### Effective governance

The test for effective governance is that Council's governance capacity is increasing while the costs of governance are being contained or decreasing.

Council's governance capacity is increased by ensuring that:

- it values and utilises the wide-ranging and varying skills, knowledge and experience that each Elected Member brings to the Council;
- it ensures that Elected Members have ready access to equipment, facilities and training which assists their work and has agreed guidelines with the Chief Executive on this;
- it links its performance closely to statutory requirements and that these are linked into the objectives for the Chief Executive to work towards.

Council measures its success by:

- providing an opportunity, at least annually, for Elected Members individually to suggest where they consider capacity could (or should) be increased, and for these views to be discussed;
- receiving minimal tags in annual reports or the long-term council community plan.

Council's costs of governance are being contained or decreasing by ensuring that:

- its focus is with Council-level policy rather than operational procedures;
- it scrutinises the relationship between cost and effectiveness;
- it has a clear and up-to-date understanding of statutory requirements and any discretion available to Council in observing these;

Council's measures its success by:

- ensuring accurate records of expenditure on governance and making annual comparisons.

# Policy-Making

## Policy Type – Governance Process

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Policies are designed to provide clear, unambiguous guidelines for the implementation of the various operational elements of the Rangitikei District Council. Policies provide continuity and a consistent point of accountability.

Policy-making shall therefore follow set procedures to ensure the efficacy of the process and the overall policy framework.

There shall be two types of policy-making.

### I. Council-Level Policy Including:

- a. **CE Limitations:** Policies defining the limits of the CE's freedom to act.
- b. **Council-CE Linkages:** Relationship policies defining the nature of the Council's relationship with the CE.
- c. **Governance Process:** Policies defining the Council's own operating practices.
- d. **Strategic Ends:** Policies defining the outcomes sought from all operational effort.

### II. Operational Procedures

The CE, defining day-to-day operational frameworks / guidelines for staff develops these. All operational policies shall be consistent with the principles, boundaries and definitions contained in the Council-level policies. The CE will establish the procedures for the development of all operational policies.

1. The Council at a formally constituted Council meeting will approve all Council-level policies.
2. Individual Council members or the CE may propose the need for new policies.
3. Whenever possible, policies will be developed in response to the potential for future use or in advance of an event rather than in response to an event, crisis or problem.
4. All policies will be reviewed for continuing relevance and effectiveness on a scheduled basis, such review to take into account the four well-beings of the Local Government Act 2002.<sup>26</sup>
5. All Council-level policies shall be available to all Council members, the CE and to staff as appropriate via the CE.
6. The CE is responsible for the development of all operational procedures.
7. All operational procedures shall be freely available to all staff.
8. Operational procedures shall be available to the Council or its agents upon request.

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<sup>26</sup> Amended by Resolution: 07/POL/016 – 12 April 2007

9. The Council will play no part in the development of operational procedures nor shall these policies be included in the Council's Policy Manual.

# Council Member Induction

## Policy Type – Governance Process

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All Council members are expected to contribute to Council meetings to the best of their ability. To facilitate this the Council will guarantee a thorough induction into the affairs of both the Council and District at large, its issues, current concerns, staff, its financial position and its liabilities and assets.

1. New Councillors will receive briefing material, which will include not less than a copy of all Council-level policies together with a copy of the Annual Plan and the Long Term Financial Strategy and a copy of year-to-date financial statements.
2. At the start of a new triennium the new Council will undertake a specific governance induction programme. New Councillors appointed at other times will have an induction programme tailored to their needs that will be led by the Mayor and Deputy Mayor.
3. New Councillors will meet with the CE for an operational familiarisation. This may include briefings, field trips as appropriate, meetings with staff, and an opportunity for the CE and staff to share views on the issues facing the Council.



# Ends Statements

# Mission Statement

## Policy Type – Ends

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The Rangitikei District Council exists so that citizens can live in economically viable communities and experience a safe and attractive environment.

# Ends Statements

## Policy Type – Ends

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The Rangitikei District Council exists so that:

1. The special character of the Rangitikei District is protected.
2. Communities in the District are economically viable.
3. Settlements, properties and tourist attractions within the District are reasonably accessible.
4. Central and Local Government services meet community needs.
5. Residents and visitors have a safe environment.
6. Citizens' rights are protected.
7. There is a pleasant environment.
8. Residents have access to opportunities for learning and education.
9. Efforts of residents and community groups to help themselves are supported.