

Subject: Annual Plan 2010/11 Activity Report - Governance

Prepared by: Lindsay McKenzie (Chief Executive)

Meeting Date: 5/6 May 2010

Report to COUNCIL for decision

SUMMARY

Six submissions to the draft 2010/11 Annual Plan contained comments relating to the Governance activity. Detailed officer responses and recommendations to these submissions are attached. The issues covered by these submissions were grouped into the following areas:

- Corporate Expenses of the District
- Governance Process
- Maori Liaison.

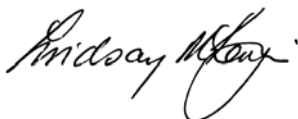
The overarching issues/themes that have emerged from the submissions are:

- the basis for rating, the relevance of average rates increases and the Council's revenue and finance policy
- community involvement in decision making especially the effect of excluding the public from parts of meetings, representation and engagement with organised representative groups such as the Wainui/Okitu Residents and Ratepayers Association
- the effect of co-governance arrangements agreed as part of Treaty settlement on local democracy.

RECOMMENDATIONS

That Council

1. receives the report
2. approves the officer responses contained in Attachment 1: Governance activity submissions and responses
3. makes no changes to the draft Annual Plan 2010/11 in relation to this activity
4. resolves to:
 - a. request the Chief Executive to ensure that the Wainui/Okitu Residents and Ratepayers Association is treated as a key stakeholder in the delivery of Council services, including planning and regulatory services to those communities, and that the Urban Development Strategy project to address the area's special character is undertaken
 - b. note that the issue of non-delivery of the Annual Plan Summary has been taken up with Reach Media and compensation sought
 - c. consider the Chamber of Commerce request for membership on the Regional Transport Committee following the 2010/11 local authority election.



Lindsay McKenzie
Chief Executive

Summary and Response by Issue

For: Annual Plan 2010/11 - GOVERNANCE

Issue	Submitter
Democratic Process	
1	Sharp, Michael Hastings
<p>Concerned the draft says that rates will go up ON AVERAGE by 7.2%. Feels this means that as his rates are already above average he will have to pay more than 7.2%. Believes this is not fair as those with rates below average will pay less than 7.2%. Argues a fair way would be to increase the rates by 7.2% across the board.</p> <p><i>Officer Response: Council has tried not to refer to average percentage increases in rates but has found it hard to avoid. Changes in rates are usually expressed as percentage change in total rates collected compared to the previous year. The exception has been the city where, in the absence of a valuation change, most residential properties will have a rates increase around the average. Rates are levied on properties for services to properties and for a range of public goods and services. The laws and Council's revenue and financing policies determine the incidence of rates. It would be more unfair to increase everyone's rates by the average because about 4.5% of that increase is due to the cost of the new waste water treatment plant. Those who do not get this service would be unfairly treated otherwise.</i></p> <p><i>Officer Recommendation: That there be no change to the Annual Plan.</i></p>	
31	Burrows, Hilary Roberta
<p>Councillors should lead by example and bike and walk to work.</p> <p><i>Officer Response: Some councillors and staff do walk and cycle to work. The Council has purchased bicycles so that staff can do service calls in and around town without taking a vehicle out. Officer Recommendation: That there be no change to the draft Annual Plan.</i></p>	
42	Radomske, Clare Andrew
<p>Requests a 15 minute period to talk to submission as 10 is not enough.</p> <p><i>Officer Response: Agree to request. Officer Recommendation: That there be no change to the draft Annual Plan. That the submitters request for a 15 min hearing time is approved.</i></p>	
44	Gisborne Chamber Of Commerce
<p>The public are excluded in 1 in 4 meetings, mostly involving public money and assets. The Chamber of Commerce requests 20 minutes to speak to council on this submission.</p> <p><i>Officer Response: It is more correct to say that the public are excluded for a part of one meeting out of four. It is rare for the decision to stay in committee once the minutes are presented for confirmation. Council has around 15 reports on each agenda on the average and committees around 10. Let us say 1 Council meeting in 4 goes into committee and deals with 2 items while it's there. That is 1 item in around 30. While the numbers have not been checked, it is fair to conclude that Council uses the provisions in the Local Government Official Information and Meetings Act sparingly when compared to most. Officer Recommendation: That there be no change to the Annual Plan. That the submitters request to a 20min hearing time is approved.</i></p> <p>Chamber of Commerce wants a seat at the Land Transport Committee table. Consider possible changes to the ECT deed. New layer of governance. As regards TROTAK how is this going to work?</p>	

Summary and Response by Issue

For: Annual Plan 2010/11 - GOVERNANCE

Issue	Submitter
<p><i>Officer Response: Membership of Regional Land Transport Committees is described in the Land Transport Act 2003. In addition to councillors and the NZ Transport Agency representative, there are to be six elected community representatives with expertise in access & mobility, safety & personal security, public health, economic development, environmental sustainability and cultural interests. Peter Farley has been elected because of his expertise in economic development. A person from the Chamber of Commerce could be appointed now with observer status. Membership will be reviewed following the local authority elections and the Chambers interest in promoting a member for election noted at that time. This submitter refers to possible changes to the Eastland Community Trust Deed. While it is reasonable to raise the matter, Council's role in relation to the Deed is set out in the Deed and does not need to be covered in the Annual Plan. The reference in the submission to a new layer of governance and to Te Runanga o Turanganui A Kiwa is to the co-governance agreement entered into between Turanga Manu Whiriwhiri and Council as part of the Turanga claims settlement process. The agreement provides for top table discussions on issues of mutual interest - tangata whenua and Council. The agreement does not provide for a role in decision making but does respect the constitutional role of Council in the system of public law in New Zealand, its role in democratic decision making, community representation role and so on. Officer Recommendation: That there be no change to the draft Annual Plan. That the request for membership of the Regional Transport Committee by the Chamber of Commerce be considered following the 2010 triennial election.</i></p>	
59	Wainui/Okitu Residents and Ratepayers Association Inc

Requests that Council establish a working relationship with the association as a major stakeholder and an avenue for communicating effectively with residents of the Wainui/Okitu about any affairs affecting the residents or their environment. This would mean that Council informs the association at the earliest possibility of any draft planning ideas that may affect the community. This could be done by mailing or emailing information to the association. Also requests that Council work proactively with the association to develop a vision and long term plan for the area similar to the existing township plans. Recommends that Council seek redress from the company hired to distribute the plan summaries as residents from Lloyd George Road, Murphy Road, Wairere Road, Lysnar Street, Douglas Street, Sirrah Street and Moana Road did not receive the summary and consequently, were not aware of the Annual Plan meeting.

Officer Response: The submission details the history of Wainui/Okitu Residents and Ratepayers Association. The Chief Executive has already alerted staff to the formation of the association and their interests in the affairs of Council, especially those relating to their objects. The association has a special interest in planning and environmental matters. The Annual Plan summary was not delivered to many Wainui/Okitu addresses. This matter will be taken up with Reach Media and redress sought. Officer Recommendation: That there be no change to the draft Annual Plan. Requests the Chief Executive to ensure that the Wainui/Okitu Residents and Ratepayers Association is treated as a key stakeholder in the delivery of Council services, including planning and regulatory services to those communities, and that the Urban Development Strategy project to address the areas special character is undertaken. That the Council note the issue of non delivery has been taken up with Reach Media and compensation sought.

Maori Liaison

42	Radomske, Clare Andrew
----	------------------------

Objects to the Treaty settlement process that imposes an unelected Maori elite upon the democratic principles and processes of local government.

Officer Response: The Treaty settlement process is a Crown and claimant process. Local Government is involved in settlements, not as negotiator, but rather because of the assets that they own or their community governance and resource stewardship roles. Council, along with the wider Local Government sector has been proactive in pointing out to the Crown the need to ensure that Treaty settlement and co-governance arrangements do not incrementally unwind the role of councils in local democracy, nor the system of natural resource management that is embedded within the Resource Management Act and other statutes. Officer Recommendation: That there be no change to the draft Annual Plan.