

AGENDA



P O Box 747, Gisborne, Ph 06 867 2049 Fax 06 867 8076
Email service@gdc.govt.nz Web www.gdc.govt.nz

MEMBERSHIP: Mayor Elect Rehette Stoltz,
Councillors Elect Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai,
Rawinia Parata, Aubrey Ria, Tony Robinson, Rob Telfer, Teddy Thompson, Rhonda Tibble, Nick Tupara
and Josh Wharehinga

Twelfth Inaugural Meeting of COUNCIL

DATE: Thursday 27 October 2022

TIME: 11:00AM

AT: Te Poho-o-Rawiri Marae, 24 Ranfurly Street, Inner Kaiti, Gisborne

AGENDA – OPEN SECTION

1. Opening Prayer	1
2. Apologies	1
3. Declaration of Election Results	2
4. Legislative Advice for the Incoming Council.....	5
4.1. 22-232 Legislative Advice for the Incoming Council.....	5
5. Declarations by Mayor and Councillors	14
6. Mayor's Acceptance Speech	17
7. Resolution of Thanks to Previous Councillors	17
8. Matters to be Addressed at the First Meeting of the Local Authority for DECISION.....	18
8.1. 22-230 Fixing of Date and Time of the First Ordinary Meeting of the Council.....	18
9. Matters to be Addressed at the First Meeting of the Local Authority for INFORMATION.....	19
9.1. 22-229 Appointment of Deputy Mayor	19

3. Declaration of Election Results

DECLARATION OF RESULTS OF ELECTION for the Gisborne District Council 2022 elections

I hereby declare the results of the elections held on 8 October 2022 for the following offices:

Mayor (*one vacancy*)

STOLTZ, Rehette	Elected
ALDER, Colin	Excluded
TIBBLE, Rhonda	Excluded
BROWN, Darin	Excluded

Informal votes received: 35

Blank votes received: 198

I therefore declare Rehette STOLTZ to be elected. The final quota as determined at the last iteration was 7252.

COUNCIL

Tairāwhiti General Ward (*eight vacancies*)

WHAREHINGA, Josh	Elected
ALDER, Colin	Elected
FOSTER, Larry Keith	Elected
TELFER, Rob	Elected
CRANSTON, Andy	Elected
GREGORY, Debbie (Independent)	Elected
ROBINSON, Tony	Elected
THOMPSON, Teddy	Elected
AKUHATA-BROWN, Meredith (Independent)	Excluded
BROWN, Jen	Excluded
REYNOLDS, Charlie	Excluded
KARAITIANA, Tina	Excluded
FLORANCE, Ben	Excluded
MCKELLOW, Alistar Malcolm	Excluded
WALKER, Jordan	Excluded

BROWN, Moera (Independent)	Excluded
MURPHY, Frank	Excluded
LODEWYK, Rachel	Excluded
MOEKE-MURRAY, Hine	Excluded
PACKER, Leighton	Excluded
TILLEY, Julian	Excluded
JONES, Peter	Excluded
MILL, Gareth	Excluded
PENNEFATHER, Dennis Patrick (Independent)	Excluded
PAGE, Mike	Excluded

Informal votes received: 503

Blank votes received: 125

I therefore declare Colin ALDER, Andy CRANSTON, Larry Keith FOSTER, Debbie GREGORY, Tony ROBINSON, Rob TELFER, Teddy THOMPSON and Josh WHAREHINGA, to be elected. The final quota as determined at the last iteration was 1064.186883493.

Tairāwhiti Māori Ward *(five vacancies)*

TIBBLE, Rhonda	Elected
RIA, Aubrey	Elected
TUPARA, Nick	Elected
PAHURU-HURIWAI, Ani (Independent)	Elected
PARATA, Rawinia (Ngati Porou)	Elected
BROWN, Darin	Excluded
PROCTER, Ian George	Excluded
TOROA, Jody	Excluded
HAENGA, Chris (Independent)	Excluded
WALKER, Agnes Lyn	Excluded
WARMENHOVEN, Marijke	Excluded
PEARLESS, Harawira Craig	Excluded
EMMERSON, Athena	Excluded

Informal votes received: 76

Blank votes received: 60

I therefore declare Rhonda TIBBLE, Nick TUPARA, Aubrey RIA, Ani PAHURU-HURIWAI, and Rawinia PARATA, to be elected. The final quota as determined at the last iteration was 541.748940775.

Full details of the official results of the election are available on request from the Electoral Officer.

Dated at Gisborne, 14 October 2022

Dale Ofsoske, Electoral Officer

Gisborne District Council

15 Fitzherbert Street, Gisborne

Title: 22-232 Legislative Advice for the Incoming Council
Section: Legal & Risk
Prepared by: Dianne Fenn - Senior Legal Counsel
Meeting Date: Thursday 27 October 2022

Legal: Yes

Financial: No

Significance: **Low**

Report to COUNCIL for information

PURPOSE

The purpose of this report is to provide the Council with a brief overview of key legislation that you need to be aware of and understand in your role as a District Councillor.

SUMMARY

This report will highlight some of the key aspects of the following legislation:

- Local Government Official Information and Meetings Act 1987
- Local Authority (Members' Interests) Act 1968
- Crimes Act 1961 – Sections 99, 105 and 105A
- Secret Commissions Act 1010
- Financial Markets Conduct Act 2013
- Protected Disclosures Act (Protection of Whistleblowers) Act 2022
- Health and Safety at Work Act 2015
- Public Records Act 2005
- Local Government Act 2002 in relation to elected members' personal liability

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Council:

1. Notes the contents of this report.

Authorised by:

James Baty - Director Internal Partnerships

Keywords: legislation, elected, members, first meeting, LGOIMA

LAWS AFFECTING MEMBERS

1. The Chief Executive is responsible for providing a general explanation of certain laws affecting members. These are outlined at a high level in this report. Further in-depth advice is available on the application of these laws if required.

Introduction

2. The Local Government Act 2002 (LGA) requires several laws affecting members to be generally explained at the first meeting of a local authority after each triennial general election (clause 21, schedule 7, LGA). The following laws are briefly covered in this paper:
 - Local Government Official Information and Meetings Act 1987.
 - Local Authorities (Members' Interests) Act 1968.
 - Crimes Act 1961 - Sections 99, 105 and 105A.
 - Secret Commissions Act 1910.
 - Financial Markets Conduct Act 2013.
 - Protected Disclosures (Protection of Whistleblowers) Act 2022.
 - Health and Safety at Work Act 2015.
 - Public Records Act 2005.
 - Local Government Act 2002 in relation to elected members' personal liability.
3. This paper provides a short overview of these laws and is intended to familiarise Councillors with the range of legislation that may directly affect their actions. The conduct of meetings and members' relationships with each other and with Council employees is also covered by Standing Orders, the Committee delegations and the Code of Conduct. The review and re-adoption of these documents will occur over future ordinary Council meetings.
4. The conduct of Council's business is also subject to the law. Despite the so-called "power of general competence" that came with the enactment of the LGA, Councils are still "creatures of statute". Most of Council's powers, duties and responsibilities are set out in the numerous laws that apply to it. Where Council has discretion in its decision-making there are prescribed processes to follow including to consult and consider the views and preferences of communities.

Local Government Official Information and Meetings Act 1987

5. The legislation can be found in full at the following website:

[Local Government Official Information and Meetings Act 1987 No 174 \(as at 12 April 2022\), Public Act Contents – New Zealand Legislation](#)

6. The Local Government Official Information and Meetings Act 1987 (LGOIMA) deals with the:
 - disclosure or otherwise of information by a local authority; and
 - conduct of meetings including giving notice, public attendance, reasons for excluding the public and availability of agendas and reports.

7. Standing Orders also contain the provisions of LGOIMA which affect meetings.
8. The disclosure of information by a local authority is not something that elected representatives generally get involved in. Requests for information are dealt with by management within the parameters laid down under LGOIMA. We have a policy of halving the required information request response time from 20 to 10 days. Where Councillors are affected by a request for information, they are consulted about the decision whether to release it.
9. The fundamental principle underpinning LGOIMA is availability, i.e. that all information held by a local authority should be publicly accessible unless there is good reason for withholding it.
10. The existence or otherwise of a good reason to withhold will ultimately depend on the facts. Two common reasons to withhold are the conduct of negotiations – especially commercial negotiations – and the privacy of natural persons.
11. The part of LGOIMA dealing with meetings (Part 7) applies the same principles of openness and availability. Agendas are to be available to members and to the public two working days prior to meetings. A meeting must be open to the public unless there are good reasons for excluding the public. These reasons are to be stated by resolution at the time the decision is taken to exclude the public. The reasons for excluding the public (see section 48) are generally the same as those applying to the withholding of official information. The main difference is that you cannot exclude the public to have a 'free and frank' discussion but that is a valid ground for withholding information under a LGOIMA request.
12. Decisions taken by local authorities under LGOIMA can be referred to the Ombudsman for review. Should either party not accept the Ombudsman's decision the matter may finally be dealt with in the High Court.

Local Authorities (Members' Interests) Act 1968

13. The legislation can be found in full at the following website:

[Local Authorities \(Members' Interests\) Act 1968 No 147 \(as at 28 October 2021\), Public Act Contents – New Zealand Legislation](#)

14. The key presumption to adopt is that any formal business dealings that members (or their spouse or partner) have with the Council may fall within the scope of LAMIA. These can be discussed with the Chief Executive to ensure that no breach of the Act occurs. We use a Register of Interests as a useful risk management approach, especially relating to pecuniary interests.
15. You will be disqualified from office if you are 'concerned or interested' in contracts with Council if the total payments made or to be made exceed \$25,000 in any year (section 3, LAMIA). A pecuniary interest still exists below that threshold. This restriction may be waived if you are elected and prior approval for a particular contract from the Office of the Auditor-General is obtained.

16. As a rule Councillors may take part in a debate and may vote on any issue in which their interest is no greater than that of a member of the general public. If their personal interest is greater than that of the general public (including a pecuniary interest), they should 'declare an interest' at the beginning of the debate (and this will be recorded in the minutes), and they should take no further part in the debate and not vote (section 6, LAMIA).
17. It should be noted that managing conflicts of interest is a member's individual responsibility and, while staff will assist, a member cannot rely upon staff to advise them of a possible breach.

Crimes Act 1961

18. The legislation can be found in full at the following website:

[Crimes Act 1961 No 43 \(as at 06 November 2021\), Public Act Contents – New Zealand Legislation](#)

19. Sections 99, 105 and 105A of the Crimes Act 1961 deal with corruption and bribery of and by officials and the corrupt use of official information by officials to obtain an advantage or pecuniary gain.
20. Section 99 defines a "bribe" as any money, valuable consideration, office, or employment, or any benefit, whether direct or indirect. "Official" includes any member of any local authority.
21. Section 105 provides that every official is liable to imprisonment for up to seven years who corruptly accepts or obtains, or agrees to accept or attempts to obtain, any bribe for himself or herself or any other person in respect of any act done or omitted, or to be done or omitted, by him or her in his or her official capacity.
22. Section 105A provides that every official is liable to imprisonment for up to seven years who corruptly uses or discloses any information, acquired by him or her in his or her official capacity, to obtain, directly or indirectly, an advantage or pecuniary gain for himself or herself or any other person.

Secret Commissions Act 1910

23. The legislation can be found in full at the following website:

[Secret Commissions Act 1910 No 40 \(as at 07 November 2015\), Public Act Contents – New Zealand Legislation](#)

24. Section 16(1)(b) of the Secret Commissions Act 1910 (SCA) deems every officer or member of a local authority as an agent of that local authority.
25. The SCA says that the corrupt giving or offer of gifts or other consideration to an agent as an inducement for reward for favours in relation to the principal's business (i.e. Council), or for acts being done or not being done, is an offence (section 3, SCA). An offence is committed even if the reward is obtained for certain people (such as a partner or child). Reasonably enough, the corrupt acceptance of gifts or other consideration in such circumstances is also an offence (section 4, SCA).

26. An agent who makes a contract on behalf of the principal (the Council) and fails to disclose any pecuniary interest the agent has in the making of the contract, commits an offence (section 5, SCA). Any pecuniary interest of certain people (such as a partner or a child) is also caught by this section and is deemed to be a pecuniary interest of the agent.
27. The giving, signing or authenticating of false, defective or misleading receipts, invoices, accounts or other documents to an agent with intent to deceive the principal is an offence (section 6, SCA). So too is the delivery or presentation of such documents to the principal by the agent (section 7, SCA).
28. The receiving of secret rewards for procuring contracts is an offence (section 8, SCA).
29. Any person who commits an offence against the SCA is liable to imprisonment for a term not exceeding 7 years (section 13, SCA).

Financial Markets Conduct Act 2013

30. The legislation can be found in full at the following website:

[Financial Markets Conduct Act 2013 No 69 \(as at 01 July 2022\), Public Act Contents – New Zealand Legislation](#)

31. Under the Financial Markets Conduct Act 2013 (FMCA), elected members are in a similar position to company directors if the Council were to issue financial products such as equity or debt securities under its borrowing powers (section 2 FMCA, definition of "director", paragraph (d)).
32. Elected members may therefore be personally liable for civil action or criminal prosecution for a range of offences under the FMCA. For example, false or misleading representations in connection with any dealing in financial products (section 22, FMCA) or for failing to keep an audited register of financial products issued (section 218, FMCA).
33. The FMCA also prohibits any elected member who has information about a listed company that is not generally available to the market from trading in that company's shares or from disclosing that information (sections 240–244, FMCA).
34. The penalties for offences under the FMCA range from fines to imprisonment. For example, the penalty for failing to maintain an audited register of financial products is a fine not exceeding \$50,000 (section 218, FMCA).
35. Council does issue stock through the New Zealand Local Government Funding Agency. This is governed by a Debenture Trust Deed which is supervised for Council by Covenant Trustee Services Limited. This company monitors Council's compliance with the Trust Deed to provide assurance to investors. This is also independently audited for Council.

Protected Disclosures (Protection of Whistleblowers) Act 2022

36. The legislation can be found in full at the following website:

[Protected Disclosures \(Protection of Whistleblowers\) Act 2022 No 20, Public Act Contents – New Zealand Legislation](#)

37. The Protected Disclosures (Protection of Whistleblowers) Act 2022 (PDA) provides protection to elected members who make disclosures of information about serious wrongdoing in or by Council. The PDA definition of a discloser of an organisation (such as Council) includes a member of the governing body of the organisation (section 8, PDA).
38. Under the PDA a discloser who discloses information about a serious wrongdoing by the Council is protected from civil or criminal liability that might arise from such a disclosure and from retaliatory action against the discloser (sections 11-23, PDA).
39. Serious wrongdoing under the PDA includes any act, omission or course of conduct in or by an organisation which is:
- an unlawful, corrupt or irregular use of public funds or public resources;
 - a serious risk to the health or safety of an individual or the public or the environment;
 - a serious risk to the maintenance of the law (including the prevention, investigation and detection of offences, and the right to a fair trial);
 - an offence;
 - and conduct by a public official that is oppressive, unlawfully discriminatory, grossly negligent or that constitutes gross mismanagement.
40. Protection under the PDA applies where a discloser believes on reasonable grounds that there is, or has been, serious wrongdoing in or by Council, discloses that information in accordance with the PDA and does not disclose in bad faith (section 9, PDA).
41. The PDA requires disclosure by a discloser to follow the internal procedures of the Council (section 11, PDA). The Council has established internal procedures to address the receipt of and dealing with information about serious wrongdoing in or by the Council.

Health and Safety at Work Act 2015

42. The legislation can be found in full at the following website:

[Health and Safety at Work Act 2015 No 70 \(as at 28 October 2021\), Public Act Contents – New Zealand Legislation](#)

43. The Health and Safety at Work Act 2015 (HSWA) allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace. The person conducting a business or undertaking (PCBU) (i.e. the Council) must ensure, as far as is reasonably practicable, the safety of workers and others who may be impacted by the work the business undertakes (sections 36–37, HSWA).

44. For the purposes of the HSWA, elected Council members (which include the Mayor and Councillors) and the Chief Executive are by default identified as "Officers". Section 18 of the HSWA defines an officer as including any person occupying a position in relation to the business or undertaking that allows the person to exercise significant influence over the management of the business or undertaking.
45. Officers have obligations of due diligence (section 44 HSWA), which are:
- a) to acquire, and keep up-to-date, knowledge of work health and safety matters; and
 - b) to gain an understanding of the nature of the operations of the business or undertaking of the PCBU, and generally of the hazards and risks associated with those operations; and
 - c) to ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
 - d) to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and e) to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under the HSWA; and
 - e) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).
46. The duties of elected members as Officers and of the PCBU are independent of each other. This means if a PCBU has failed to meet its duty, but the Officers exercised due diligence, then they would not be personally liable for the health and safety failings. It also means that an officer can be convicted of an offence whether or not the PCBU has also been convicted of an offence (section 50, HSWA).
47. Elected members do have a level of personal responsibility for ensuring the Council meets its obligations under HSWA. At a practical level, elected members should proactively engage in health and safety matters during the performance of their governance role and/or when they are on any premises managed or controlled by Council.
48. However, elected members are exempt from liability for failure to meet the due diligence duty (section 52, HSWA). The focus of any liability is on the Council as the PCBU.

Public Records Act 2005

49. The legislation can be found in full at the following website:

[Public Records Act 2005 No 40 \(as at 01 September 2022\), Public Act Contents – New Zealand Legislation](#)

50. The purpose of the Public Records Act 2005 (PRA) is to provide a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible. The PRA provides for the continuity of the National Archives and the role of the Chief Archivist. It enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.
51. The definition of a record means information, whether in its original form or otherwise, and is not limited to just written information. The definition also includes (but is not limited to) a document, a signature, a seal, text, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process (PRA, section 2).
52. In the conduct of their affairs elected members may receive information directly, for example from constituents. Members will need to consider whether that information meets the definition of a "local authority record" and if so will need to ensure it is included in the Council's records. A local authority record means a record or class of records in any form, in whole or part, created or received by a local authority in the conduct of its affairs.

Personal Liability of Elected Members under the LGA

53. Elected Members are indemnified in respect of their actions as a member of the Council. Section 43 of the LGA provides for indemnity (by the Council) in relation to:
- (a) costs and damages for any civil liability for any action brought by a third party if the member was acting in good faith and in pursuance (or intended pursuance) of the responsibilities or powers of the Council; and
 - (b) costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as an elected member.
54. Section 46 of the LGA provides for an exception to this indemnity. There is a theoretical personal exposure on the part of elected members in certain circumstances if the Council has incurred loss due to actions or omissions of the Council. The loss must arise out of one of the following situations (section 44, LGA):
- Money belonging to or administrable by the Council has been unlawfully spent.
 - An asset has been unlawfully sold or disposed of by the Council.
 - A liability has been unlawfully incurred by the Council.
 - The Council has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

55. If the Auditor-General has reported on a "loss" under section 44 of the LGA, then that loss is recoverable as a debt due to the Crown. This must be paid back to the Council (through the Crown) from each elected member jointly and severally (without limiting any other person's liability for the loss). You have a defence if you can prove that the act or failure which led to the loss occurred:

- Without your knowledge; or
- With your knowledge but against your protest made at or before the time when the loss occurred; or
- Contrary to the manner in which you voted on the issue at a meeting of the Council; or
- In circumstances where you are acting in good faith and relied on reports, statements, financial data, or other information prepared or supplied, or on professional or expert advice given by:
 - 1) A Council officer whom you believed on reasonable grounds to be reliable and competent in relation to the matters concerned.
 - 2) A professional adviser or expert in relation to matters which you believed on reasonable grounds to be within that person's professional or expert competence.

5. Declarations by Mayor and Councillors

Declaration by Mayor

I,, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Gisborne district, the powers, authorities, and duties vested in, or imposed upon, me as **Mayor** of the Gisborne District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at **GISBORNE** this day of

Signed in the presence of }
Nedine Thatcher Swann }
Chief Executive }
Gisborne District Council }

Signature: _____

Signature: _____

A-1983220

Te Whakapuakitanga o Te Koromatua

Ko ahau, ko, e oati ana ka pono ka matatika ahau, ā, i runga anō hoki i te mutunga kē mai o ōku pūkenga, o ōku whakatau hoki, kia whakatutuki, kia mahi anō hoki ahau i ngā mahi mo te painga o te rohe o Te Tairāwhiti, ma te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au hei Koromatua o te Kaunihera-a-rohe o Te Tairāwhiti, e ai hoki ki te Ture Kāwanatanga-ā-Kāinga 2002, ki te Ture Kāwanatanga-ā-Kāinga Whakapae me ngā Huihuinga 1987, me ētahi atu Ture anō hoki.

He mea whakaū i Tūranga i tēnei rā o

He mea waitohua i mua i a
Nedine Thatcher Swann
Te Manahautū
Te Kaunihera o Te Tairāwhiti

Waitohu: _____

Waitohu: _____

Te Whakapuakitanga

Ko ahau, ko, e oati ana ka pono ka matatika ahau, ā, i runga anō hoki i te mutunga kē mai o ōku pūkenga, o ōku whakatau hoki, kia whakatutuki, kia mahi anō hoki ahau i ngā mahi mo te painga o te rohe o Te Tairāwhiti, ma te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au hei Kaikaunihera o te Kaunihera-a-rohe o Te Tairāwhiti, e ai hoki ki te Ture Kāwanatanga-ā-Kāinga 2002, ki te Ture Kāwanatanga-ā-Kāinga Whakapae me ngā Huihuinga 1987, me ētahi atu Ture anō hoki.

He mea whakaū i Tūranga i tēnei rā o

He mea waitohua i mua i a
Nedine Thatcher Swann
Te Manahautū
Te Kaunihera o Te Tairāwhiti

Waitohu: _____

Waitohu: _____

Declaration by Councillor

I,, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Gisborne district, the powers, authorities, and duties vested in, or imposed upon, me as **a Councillor** of the Gisborne District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at **GISBORNE** this day of

Signed in the presence of }
Nedine Thatcher Swann }
Chief Executive }
Gisborne District Council }

Signature: _____

Signature: _____

A-1983220

8. Matters to be Addressed at the First Meeting of the Local Authority for DECISION



22-230

Title: 22-230 Fixing of Date and Time of the First Ordinary Meeting of the Council

Section: Democracy & Support Services

Prepared by: Heather Kohn - Democracy & Support Services Manager

Meeting Date: Thursday 27 October 2022

Legal: Yes

Financial: No

Significance: **Low**

Report to COUNCIL for decision

PURPOSE

The purpose of this report is to fix a date for the first ordinary meeting of Council.

SUMMARY

Section 21(5)(d) of Schedule 7 of the Local Government Act 2002 requires the Council to fix a date and time for the first meeting of the Gisborne District Council or the adoption of a schedule of meetings to be resolved by the Council at its inaugural meeting.

The date for the first meeting of the Gisborne District Council is proposed for Thursday 17 November 2022 commencing at 9am at Te Ruma Kaunihera (Council Chambers), Awarua, Fitzherbert Street, Gisborne.

This meeting will consider the governance structure for the new triennium, and it is proposed that following the adoption of a governance structure the Council can resolve to adopt a schedule of meetings for the month of December 2022.

A meetings schedule for 2023–2025 will be provided to Council in December for adoption.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Council:

- Holds the first ordinary meeting of Gisborne District Council on 17 November 2022 commencing at 9am at Te Ruma Kaunihera (Council Chambers), Awarua, Fitzherbert Street, Gisborne.**

Authorised by:

James Baty - Director Internal Partnerships

Keywords: Date of first meeting, Council, Gisborne District Council, Awarua

9. Matters to be Addressed at the First Meeting of the Local Authority for INFORMATION



22-229

Title: 22-229 Appointment of Deputy Mayor
Section: District Mayor
Prepared by: Heather Kohn - Democracy & Support Services Manager
Meeting Date: Thursday 27 October 2022

Legal: Yes

Financial: No

Significance: **Low**

Report to COUNCIL for information

PURPOSE

The Mayor is required to appoint the Deputy Mayor at the first meeting of the local authority under Clause 21 (5)(d) of Schedule 7 of the Local Government Act 2002.

SUMMARY

Clause 3 of section 41A(3) of the Local Government Act 2002, which came into force on 12 October 2013, states that the Mayor has the power to appoint the Deputy Mayor.

Clause 4 of the new section 41A does provide for the Council to overturn the appointment of the Deputy Mayor appointed by the Mayor, however, Council must follow a process set out under Clause 18 of Schedule 7.

I have chosen to appoint Councillor Josh Wharehinga as the Deputy Mayor. I would like to congratulate Josh and wish him well in his role as Deputy Mayor.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Council:

- 1. Notes the contents of this report.**

Authorised by:

Rehette Stoltz - Mayor

Keywords: deputy mayor, mayoral powers, appointment of deputy mayor
