

# SOUTH WAIRARAPA DISTRICT COUNCIL

20 FEBRUARY 2019

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## AGENDA ITEM C10

### WAIRARAPA LIBRARY SERVICE

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#### **Purpose of Report**

For the Council to consider the proposal to make the Wairarapa Library Service Joint Working Group a Joint Committee.

#### **Recommendations**

Officers recommend that the Council:

1. *Receive the Wairarapa Library Service Report.*
2. *To agree to participate within a Wairarapa Library Service (WLS) Joint Committee of Carterton District Council and South Wairarapa District Council subject to adoption of an agreed Terms of Reference (TOR) that complies with Section 30A of the LGA 2002.*
3. *That elected member representatives Cr Pam Colenso and Robyn Ramsden be confirmed as appointees to the WLS Joint Committee.*

## **1. Executive Summary**

The Wairarapa Library Service Joint Working Group has been a collaborative effort between Carterton and South Wairarapa District Councils for some time. Late 2018, Carterton District Council (CDC) resolved to make all their working groups formal committees of their council, and as such the December 2018 meeting of the Wairarapa Library Service Working Group was publically notified as a joint committee.

Mayor Napier is currently reviewing Council's committee structure, and it is timely that Council consider taking steps to make the WLS a joint committee.

## **2. Discussion**

### **2.1 WLS Joint Committee Terms of Reference**

The WLS Joint Committee TOR, as adopted by the Committee, is attached in Appendix 1. As agreed with Carterton District Council, the TOR will be amended and resubmitted to the WLS Joint Committee before being adopted by member councils in order to address omissions.

### **2.1.1. Proposed Membership**

The TOR provides for two elected members from each member council. The TOR does not mandate that one of SWDC's elected members is a community board member, whereas our Council and Committees Policy (A100) does make this distinction.

When the TOR is presented for adoption, a recommendation will be made to alter SWDC's 'Council and Committees Policy' to match the WLS Joint Committee TOR, but with a statement recommending that the second appointment is a community board member.

### **2.1.2. Proposed Delegations**

The proposed delegations are outlined in the TOR.

Council should note that the TOR appears to delegate the power to hear and determine submissions to the WLS Strategic Plan to the WLSJC without making a recommendation to member council on a course of action. The power to adopt the WLS Strategic Plan rests with each member Council following the recommendation by the WLS Joint Committee.

A request to split recommendation one of the TOR into two components as follows will be made to CDC:

1. Develop and recommend to each Member Authority the adoption of a revised WLS Strategic Plan for public consultation.
2. To hear and determine submissions to the WLS Strategic Plan for recommendation to each Member Authority.

### **2.1.3. Chair**

Chair and deputy chair arrangements and appointments are to be agreed and documented in the TOR as per section 30A 2(b) of the LGA.

It is anticipated that the chair will use Standing Orders as adopted by their member Council.

### **2.1.4. Committee Variation Agreement**

Agreement on how variations to the Joint Committee are to be agreed as per section 30A 2(e), however it is anticipated that variations will be managed via the amendment of the TOR by the WLS Joint Committee followed by member council adoption.

### **2.1.5. Meeting Arrangements**

The Joint Committee is a collaborative group made up of representatives from each member council scheduled to meet on a quarterly basis. For 2019, Carterton District Council will host one meeting and South Wairarapa District Council will host two meetings as follows:

- Carterton Events Centre: 6 March 2019
- Greytown Town Centre: 22 May 2019
- Waihinga Centre: 21 August 2019

The Joint Committee will agree at the last meeting of each year where and when meetings are to be held for the upcoming year.

The above dates and venues have been advised to the public and a request to change venue or meeting date would need to be undertaken in agreement with member councils and in accordance with standing orders.

#### **2.1.6. Administrative Support**

An agreement on administrative support has been reached with Carterton District Council on a shared arrangement basis. Secretariat support (i.e. developing the agenda and associated content) for meetings will be provided by both councils as mutually agreed.

Each council will ensure that the representatives participating in the Joint Committee are sufficiently supported by officers from their council. Each council will provide reports and advice to the Joint Committee as required.

#### **2.1.7. Legal Implications**

The Local Government Act 2002 section 30A Joint Committees applies, and the Joint Committee cannot be ratified until agreement has been reached on all aspects.

#### **2.1.8. Financial Considerations**

There are no financial considerations.

### **2.2 Options**

If Council does not wish to make the WLS a Joint Committee, then the WLS Joint Committee will effectively remain a working group as agreement between member councils as described in the LGA section 30A will not have been reached. It is recommended that Council work collaboratively with Carterton District Council to make the WLS a Joint Committee.

## **3. Conclusion**

It is proposed that the next steps are:

- SWDC adopt the resolution to become a member of the WLS Joint Committee subject to adoption of an agreed Terms of Reference (TOR) that complies with Section 30A of the LGA 2002.
- Member councils update the WLS Joint Committee TOR for resubmission to the Joint Committee for consideration and adoption.
- Member councils adopt the WLS Joint Committee TOR.

## **4. Appendices**

Appendix 1 – WLS Joint Committee TOR

Appendix 2 – Section 30A Local Government Act

Contact Officer: Suzanne Clark, Committee Secretary

Reviewed By: Paul Crimp, Chief Executive

# **Appendix 1 – Wairarapa Library Service Joint Committee Terms of Reference**

# **Appendix 2 – Section 30A Local Government Act**

### 30A Joint committees

(1) A local authority may not appoint a joint committee under [clause 30\(1\)\(b\)](#) unless it has first reached agreement with every other local authority or public body that is to appoint members of the committee.

(2) An agreement under subclause (1) must specify—

(a) the number of members each local authority or public body may appoint to the committee; and

(b) how the chairperson and deputy chairperson of the committee are to be appointed; and

(c) the terms of reference of the committee; and

(d) what responsibilities (if any) are to be delegated to the committee by each local authority or public body; and

(e) how the agreement may be varied.

(3) An agreement under subclause (1) may also specify any other matter relating to the appointment, operation, or responsibilities of the committee that the parties agree.

(4) A local authority or public body must not enter into an agreement under subclause (1) that is inconsistent with any enactment applying to that local authority or public body, or its members.

(5) A joint committee appointed under [clause 30\(1\)\(b\)](#) is deemed to be both a committee of the appointing local authority and a committee of each other local authority or public body that has appointed members to the committee.

(6) This Part applies to a joint committee except that—

(a) the powers to discharge any individual member and appoint another in his or her stead must be exercised by the local authority or public body that made the appointment; and

(b) the quorum at a meeting of the committee consists of—

(i) half of the members if the number of members (including vacancies) is an even number; or

(ii) a majority of members if the number of members (including vacancies) is an odd number; and

(c) the following matters may be varied by an agreement under subclause (1):

(i) the procedure by which the chairperson and deputy chairperson are to be appointed:

(ii) the procedure by which the chairperson or deputy chairperson may be removed from that office:

(iii) whether a quorum must include 1 or more members appointed by each party, or any party:

(iv) the extent to which the standing orders of any local authority or public body apply to meetings of the joint committee.

(7) Nothing in this clause applies to a joint committee constituted or continued by, or required to be constituted or continued by, an enactment other than this Act.