



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA

Supplementary Reports Ordinary Council Meeting

Thursday, 10 November 2022

Time: 10:00 am
Location: Council Chamber
Memorial Ave
Kaikohe

Membership:

Mayor Moko Tepania - Chairperson
Deputy Mayor Kelly Stratford
Cr Ann Court
Cr Felicity Foy
Cr Hilda Halkyard-Harawira
Cr Babe Kapa
Cr Penetaui Kleskovic
Cr Steve McNally
Cr Mate Radich
Cr Tāmami Rākena
Cr John Vujcich

Te Paeroa Mahi / Order of Business

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6 REPORTS

6.4 ESTABLISHMENT AND MEMBERSHIP OF AN EXECUTIVE REVIEW COMMITTEE FOR 2022-2025

File Number: A3969429

Author: Caroline Wilson, Manager - District Administration

Authoriser: Janice Smith, Acting General Manager - Corporate Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

The Mayor has requested that an Executive Review Committee (ERC) be established prior to wider discussion and establishment of a governance structure (committees and portfolios).

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The Executive Review Committee be established to undertake the responsibilities associated with the Chief Executive as required under the Local Government Act.
- The membership of the Executive Review Committee shall be all of Council. i.e. the Mayor and all 10 Councillors.
- The terms of reference (delegations) for the Executive Review Committee are attached to the report.

TŪTOHUNGA / RECOMMENDATION

That Council establish an Executive Review Committee and appoint the following members:

- a) **Mayor Tepania, Deputy Mayor Kelly Stratford, Ann Court, Babe Kapa, Felicity Foy, Hilda Halkyard-Harawira; John Vujcich, Mate Radich, Penetaui Kleskovic, Steve McNally, Tāmami Rākena.**

1) TĀHUHU KŌRERO / BACKGROUND

Under section 41A(3) of the Local Government Act 2002, the Mayor has the power to establish committees and appoint membership including the chairperson of each committee.

The Mayor wishes to establish a governance structure of committees and portfolios along with associated remuneration. In the meantime, he has expressed a desire to establish an Executive Review Committee prior to the finalisation of the broader governance structure.

The Mayor has opted not to exercise this power so this report is provided to Council to establish the Executive Review Committee, adopt the terms of reference and confirm the membership.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The previous triennium Executive Review Committee terms of reference has been used as the foundation for the 2022-2025 terms of reference, with changes to membership and quorum.

There has been one amendment to the specific responsibilities (bullet points). The bullet point:

- Annually consider the chief executives remuneration

Has been deleted and the word *remuneration* added to the first bullet point which now reads:

- Review the chief executives' performance *and remuneration* as required in the employment agreement between the Council and the chief executive.

This removes any issue between the terms of reference stating a specific timeframe or activity that might be different to what has been negotiated in the employment agreement.

As this is a whole of Council committee, the only decision required to come before an Ordinary Council meeting is that of the appointment of the Chief Executive.

The terms of reference of the Executive Review Committee are simple insofar as it relates to specific aspects of the employment, remuneration and performance of the Chief Executive, in accordance with the contract of employment (employment agreement) between the Chief Executive and the Council and the Local Government Act (Schedule 7, sections 33-35). As such, the terms of reference for the Executive Review Committee shall not have any crossovers with the final governance structure.

Take Tūtohunga / Reason for the recommendation

Establish an Executive Review Committee for the 2022-2025 triennium in relation to matters of employment, remuneration and performance of the Chief Executive.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications and budgetary provisions required as a result of this report.

ĀPITIHINGA / ATTACHMENTS


1. **Register of Delegations for Executive Review Committee - for 2022 triennium - A3592615** [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

| He Take Ōkawa / Compliance Requirement | Aromatawai Kaimahi / Staff Assessment |
|---|---|
| State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy | This report is of low significance. |
| State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision. | The Local Government Act is the relevant legislation regarding provision for committees, and the obligations of governance to oversee the performance, remuneration and recruitment of the Chief Executive. |
| State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought. | Community Board views have not been sought as this is a matter for Councillors to discuss how they would like to structure their governance oversight. |
| State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi. | There are no specific implications for Māori – this matter relates to internal governance oversight. |
| Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities). | There are no specific implications for any other persons – this matter relates to internal governance oversight. |
| State the financial implications and where budgetary provisions have been made to support this decision. | There are no financial implications. |
| Chief Financial Officer review. | The Chief Financial Officer has reviewed this report |

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|  <p>Far North District Council <i>Te Kaunihara o Tai Tokerau ki te Raki</i></p> | Authorising Body | Local Government Act 2002 |
| | Status | Standing Committee |
| COUNCIL COMMITTEE | Title | Executive Review Committee Terms of Reference |
| | Approval Date | 10 November 2022 |

Role of the Executive Review Committee

Council sets its vision and values to underpin its strategic direction. This guides the organisation as it works to make the Far North District an attractive place to live, work, and play. Council is forward looking, acting strategically to prepare for the district’s future.

Council employs the chief executive, who in turn employs and manages Council staff. Council therefore has a responsibility to set and monitor the performance of the chief executive.

Only Council (the local authority) may appoint the chief executive under Part 4 (clause 42) of the Local Government Act (LGA). Council cannot delegate this responsibility to a sub-ordinate decision-making body (LGA Sch7, cl 32, sec 1e).

Membership

The Executive Review Committee will comprise of the Mayor and all Councillors (one of which will be the chairperson).

- Mayor Tepania - Chairperson
- Kelly Stratford – Deputy Chairperson
- Ann Court
- Babe Kapa
- Felicity Foy
- Hilda Halkyard-Harawira
- John Vujcich
- Mate Radich
- Penetaui Kleskovic
- Steve McNally
- Tāmati Rākēna

Quorum - Committee

The quorum at a meeting of the Executive Review Committee is 6 members.

Frequency of Meetings

The Executive Review Committee shall meet at least twice per year but may convene more frequently as required.

Committees Responsibilities

The Committees responsibilities are described below:

Performance of the Chief Executive

- Review the chief executives' performance and remuneration as required in the employment agreement between the Council and chief executive.
- Conduct a performance review the end of the first term of appointment as required under Schedule 7, clause 35 of the LGA.
- Supervise any recruitment and selection process for a chief executive as required under Part 4, clause 42 of the LGA for Council consideration and adoption.
- Consider any issues regarding the employment of the chief executive.
- The Committee may procure independent specialist advice to the value of \$25,000 per annum in accordance with Councils procurement policy and processes.