

STAFF REPORT

TO: Mayor and Councillors
FROM: Administration Advisor
DATE: 19 June 2008
SUBJECT: TDC Local Government Statement – Council Minutes

PURPOSE/REASON FOR REPORT

The Golden Bay Community Board resolved at their May meeting:

“THAT the GB Community Board expresses its concern regarding ‘the main thrust of the debate’ being taken out of the Tasman District Council’s Local Governance Statement and requests Council to consider reinstating the wording”

A memo to this effect was received by the Chief Executive (*Attachment A*).

BACKGROUND

The Local Governance Statement must be made by an authority within six months of a triennial election. Section 40 of the Local Government Act sets out what information must be included (*Attachment B*).

In accordance with legislation this Statement was prepared by updating the previous Local Governance Statement (2005).

The reason that the Golden Bay Community Board have written to the Chief Executive is because of a change of wording from the previous Local Governance Statement, viz:

The 2005 Statement under “Conduct of Meetings” stated:

“Minutes of meetings must be kept as evidence of the proceedings of the meeting. Note that minutes are not verbatim copies of every word said at the meeting, but rather record the main thrust of the debates and actual resolutions adopted by the meeting....”

The 2008 Statement says under the same heading:

Minutes of meetings must be kept as evidence of the proceedings of the meeting. Note that minutes are not verbatim copies of every word said at the meeting, but rather record the nature of the topic, motions”

The Local Governance Statement was adopted on 3 April 2008 (copies of relevant minutes *Attachment C*).

LOCAL GOVERNMENT ACT 2002

Schedule 7, Section 28 says:

28 Minutes of proceedings

- (1) *A local authority must keep minutes of its proceedings.*
- (2) *Minutes of proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those proceedings.*

NEW ZEALAND MODEL STANDING ORDERS NZS9202:2003

Council resolved to adopt the above Standing Orders at their inaugural meeting in October 2007 – (*Attachment D*). The Golden Bay Community Board also resolved to adopt Standing Orders at their Inaugural meeting (*Attachment E*)

Keeping of Minutes in these Standing Orders state:

Keeping of Minutes – 3.17.2

The chief executive or his/her designated representative must keep the minutes of meetings. The minutes must record the date, time and venue of the meeting; the names of those members present; identification of the chairperson; apologies tendered and accepted, arrival and departure times of members; any failure of a quorum; a list of speakers in the public forum and the topics they cover; a list of items considered; resolutions and amendments pertaining to those items; any objections to words used; all divisions taken, names of any members requesting the recording of their abstentions or votes; declarations of pecuniary interest; contempt, censure and removal of any members; resolutions to exclude members of the public; and the time that the meeting concludes or adjourns.

COMMENT/DISCUSSION

The removal of the word “thrust” from the revised 2008 Local Governance Statement brings the keeping of minutes more in to line with 3.17.2 of NZS9202:2003 Standing Orders.

OPTIONS

- (i) To retain the status quo by not altering the 2008 Local Governance Statement,
- (ii) To change the 2008 Local Governance Statement, as per Council’s ability under Section 40 of the Local Government Act (*Attachment B*), and replace the wording with regard to the keeping of minutes with the full wording of 3.17.2 of the NZS9202:2003 Standing Orders.

RECOMMENDATION

THAT Council takes no further action, and that the Golden Bay Community Board be advised accordingly.

Sandra Hartley

<http://tdctoday:82/Shared Documents/Meetings/Council/Full Council/Reports/2008/RCN080626 Report Local Government Statement and Minutes.doc>