

## **Appointment of Commission to the Kaipara District Council and Postponement of Next Triennial General Election for Members of the Kaipara District Council**

### **Termination of appointment of existing Ministerial body**

1. Pursuant to section 258X of the Local Government Act 2002, the Associate Minister of Local Government terminates the appointment of the Commissioners appointed to Kaipara District Council ("Council") on 6 September 2012, effective from the date of this notice.

### **Appointment**

2. Pursuant to section 258F of the Local Government Act 2002, the Associate Minister of Local Government gives notice of her appointment of a Commission to the Council to perform and exercise its responsibilities, duties and powers.
3. The Associate Minister of Local Government gives notice that the following persons have been appointed as members of the Commission:  
Richard Booth  
John Robertson  
Peter Winder  
together referred to as the "Commissioners".
4. Pursuant to section 258G of the Local Government Act 2002, the Associate Minister of Local Government gives notice of her appointment of John Robertson as the chairperson of the Commission.

### **Election of the Kaipara District Council postponed**

5. Pursuant to section 258I of the Local Government Act 2002, the Associate Minister of Local Government gives notice that the next triennial general election for members of the Council (scheduled for 17 October 2015) has been postponed.
6. The Minister of Local Government will call a general election, by notice in the *New Zealand Gazette*, before the term of the Commission ends.

### **Term of Commission's appointment**

7. The term of the Commission begins on the day after the date of this notice.
8. The term of the Commission will end on the day after the date on which members of the Council are declared elected, following the triennial general election of 8 October 2016.

### **Terms of Reference for Commission**

9. Pursuant to section 258F of the Local Government Act 2002, the Associate Minister of Local Government appoints the Commission on the following terms and conditions.

### **Role of Commission**

10. The Commission will carry out all the functions, duties, and powers of the Council provided for under the Local Government Act 2002, the Resource Management Act 1991 and any other Act which imposes powers, duties or obligations on the Council.
11. The Commission must comply with any legal obligations that would otherwise apply to the Council.
12. The Commission is required to perform the following tasks as outlined below:
  - a. Continue to manage legal action relating to the Mangawhai community wastewater scheme;
  - b. identify the capacity of the Mangawhai community wastewater scheme, whether it is fit for purpose, and the ideal funding model for the scheme for the future;
  - c. continue to identify the extent of the problems faced by the Council and engage in existing Council

initiatives to address these issues;

- d. continue engagement with the community and iwi to rebuild confidence and trust in the Council;
- e. continue to work with the Council's chief executive to build capability and capacity within the Council organisation;
- f. continue to develop the Council's financial strategy, plans, rating policies and capability (including debt and asset management) to ensure financial resilience and equitable and sustainable funding;
- g. actively seek to collaborate and co-operate with other local authorities and seek opportunities for shared services;
- h. at a suitable time, undertake recruitment for a permanent chief executive for the Council; and
- i. develop an exit plan to facilitate a smooth transition back to an elected Council. This may include:
  - recommendations for any Government assistance required (eg special legislation);
  - recommendations to use the Ministerial assistance and intervention powers in Part 10 of the Local Government Act 2002; and/or
  - a plan for the induction of the new mayor and councillors after an election is held.

### **Remuneration**

13. The remuneration of the Commissioners will be paid out of money belonging to the Council. Remuneration will be paid in accordance with the daily rates set by the Associate Minister of Local Government pursuant to section 258V of the Local Government Act 2002 and noted by Cabinet on 20 April 2015. Expenses incurred by the Commissioners will be reimbursed out of money belonging to the Council in accordance with the Fees and Travelling Allowances Act 1951.
14. The Chairperson is responsible for ensuring the Commissioners' remuneration stays within approved levels and that any expenses claimed by Commissioners are reasonable and necessary.

### **Advice and Administrative support to the Commission**

15. As the governing body of the Council, the Commission will be supported by its chief executive. The Commission may also engage such other support or advice that it may require.

### **Reporting requirements**

16. The Commission will report quarterly to the Minister of Local Government on progress towards addressing the organisational capability and performance of the Council organisation and completion of the identified phases of work.

Dated at Wellington this 29th day of April 2015.

Hon LOUISE UPSTON, Associate Minister of Local Government.