

# STAFF REPORT

**TO:** Mayor and Councillors  
**FROM:** Administration Advisor  
**REFERENCE:** E313  
**DATE:** 16 August 2006  
**SUBJECT:** Representation Review – Community Boards

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## PURPOSE/REASON FOR REPORT

To provide information for Council to assist members to make a decision on whether or not to include community boards in Council's final proposal for the Tasman District Council Representation Review arrangements for the 2007 local body elections.

## BACKGROUND

Council resolved its initial proposal on 1 June 2006, which was subsequently publicly notified inviting submissions. Over 700 submissions were received, and Council considered these at a special council meeting on 31 July 2006. Council deferred any decision until a meeting on 10 August 2006. At this meeting Council resolved the number of wards to be five, that their boundaries be the same as present, and that the number of councillors be 13 as follows:

Golden Bay Ward	2
Motueka Ward	3
Moutere/Waimea	3
Lakes/Murchison	1
Richmond	4

The population thresholds were not met in the Golden Bay Ward, Moutere-Waimea Ward and Lakes-Murchison Ward, and resolved that the Golden Bay and Lakes-Murchison Wards be treated as isolated communities.

Council agreed to request further information from staff on community boards, and seek some community feedback before making its decision on whether or not to have community boards, and if boards were to be part of the representation review, where they should be.

## COMMENT/DISCUSSION

Council is required under Section 19J(1) of the Local Electoral Act 2001 whenever reviewing its own representation arrangements to also undertake a review of community boards. In carrying out such a review two levels of decisions are required:

- Whether there should be communities and community boards within the territorial authority's district; and
- If the territorial authority considers that one or more communities should be established, the nature of any community and the structure of any community board.

The Guidelines for Representation Reviews suggests the following matters should be considered:

- Will the proposal promote the good local government of the parent district and the community area concerned?
- Would the district and the community have the resources necessary to enable it to carry out their respective responsibilities, duties and powers?
- Would the district and the community encompass an area that is appropriate for the efficient and effective exercise of its responsibilities, duties and powers?
- Would the district and the community contain a sufficiently distinct community of interest or sufficiently distinct communities of interest?
- Would the district and the community be able to meet the decision-making requirements of section 76 of the Local Government Act 2002, to the extent that they are applicable?

The following table sets out the specific decisions that may need to be made:

Section	Decision
19J(1)	Whether – <ul style="list-style-type: none"> <li>• There should be communities and community boards; and</li> <li>• The nature of any community and the structure of any community board</li> </ul>
19J(2)(a)	Whether 1 or more communities should be established
19J(2)(b)	Whether any community should be abolished or united with another community
19J(2)(c)	Whether the boundaries of a community should be altered
19J(2)(d)	Whether a community should be subdivided for electoral purposes
19J(2)(e)	Whether the boundaries of a subdivision should be altered
19J(2)(f)	The number of members of a community board
19J(2)(g)	The number of members of a community board who should be elected and appointed
19J(2)(h)	Whether the members to be elected should be elected – <ul style="list-style-type: none"> <li>• From the community as a whole; or</li> <li>• From subdivisions; or</li> <li>• Where the community comprises two or more wards, from wards</li> </ul>
19J(2)(i)	Where members are to be elected from subdivisions – <ul style="list-style-type: none"> <li>• The name and boundaries of subdivisions; and</li> <li>• The number of members to be elected from each subdivision</li> </ul>

The following legislation relates to community boards:

## **LOCAL GOVERNMENT ACT 2002**

### **49**

#### **Establishment of community boards**

- (1) A community board must be established for each community constituted, in accordance with Schedule 6, by—
  - (a) an Order in Council giving effect to a reorganisation scheme; or
  - (b) a resolution made by the territorial authority within whose district the community will be situated as a result of a proposal by electors to establish a community; or
  - (c) a resolution made by the territorial authority within whose district the community will be situated as a result of the territorial authority's review of representation arrangements.
- (2) The community board must be described as the “[ *name of community* ] Community Board”.

### **50**

#### **Membership of community boards**

The membership of a community board consists of—

- (a) members elected under the [Local Electoral Act 2001](#); and
- (b) members (if any) of, and appointed in accordance with the [Local Electoral Act 2001](#) by, the territorial authority in whose district the relevant community is situated.

### **51**

#### **Status of community boards**

A community board—

- (a) is an unincorporated body; and
- (b) is not a local authority; and
- (c) is not a committee of the relevant territorial authority.

### **52**

#### **Role of community boards**

The role of a community board is to—

- (a) represent, and act as an advocate for, the interests of its community; and
- (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- (c) maintain an overview of services provided by the territorial authority within the community; and
- (d) prepare an annual submission to the territorial authority for expenditure within the community; and
- (e) communicate with community organisations and special interest groups within the community; and
- (f) undertake any other responsibilities that are delegated to it by the territorial authority.

## **53**

### **Powers of community boards**

- (1) A community board has the powers that are—
  - (a) delegated to it by the relevant territorial authority in accordance with clause [32](#) of Schedule 7; or
  - (b) prescribed by the Order in Council constituting its community.
- (2) The powers of a community board prescribed by Order in Council expire at the close of 6 years after the order comes into force.
- (3) Despite subsection [\(1\)](#), a community board may not—
  - (a) acquire, hold, or dispose of property; or
  - (b) appoint, suspend, or remove staff.

## **54**

### **Application of other provisions to community boards**

- (1) Part [2](#) of Schedule 7 applies to community boards.
- (2) Part [1](#) of Schedule 7 (excluding clauses [15](#) and [33](#) to [36](#)) applies to community boards, with all necessary modifications, as if they were local authorities.

## **37**

### **Chairpersons of community boards**

- (1) A community board must have a chairperson.
- (2) Clause [25](#) applies to the election of chairpersons of community board

## **38**

### **Provision of administrative and other facilities for community boards**

A territorial authority within whose district the community of a community board is situated must provide the necessary administrative and other facilities for that community board.

## **39**

### **Expenses of community boards**

- (1) The expenses of the performance and exercise by a community board of its responsibilities, duties, and powers must be paid by the territorial authority within whose district the community is situated out of the general revenues of the district.
- (2) The territorial authority may fix a limit within which expenditure may be incurred under subclause [\(1\)](#), and no community board may incur expenditure in excess of any limit so fixed without the prior approval of the territorial authority.
- (3) This clause does not apply in respect of any expenditure for which any rate has been made and levied within the community.

## ELECTORAL ACT 2001

### [19F

#### Membership of community boards

- (1) Every community board—
  - (a) is to consist of not fewer than 4 members nor more than 12 members; and
  - (b) is to include at least 4 elected members; and
  - (c) may include appointed members.
- (2) The number of appointed members is to be less than half the total number of members.
- (3) The persons who are appointed under subsection [\(1\)\(c\)](#) as members of the community board must—
  - (a) be members of, and must be appointed by, the territorial authority for the district in respect of which the community is constituted; and
  - (b) if the territorial authority is divided into wards, also be members of the territorial authority representing a ward in which the community is situated.]

### [19G

#### Basis of election of members of community board

- (1) The part of a district in respect of which a community is constituted may be subdivided for electoral purposes.
- (2) Each subdivision must elect at least 1 member of the community board.
- (3) If a community comprises 2 or more whole wards, the elected members of the community board may be elected by the electors of each ward.
- (4) If the community is not subdivided for electoral purposes, the members of the community board must, unless they are to be elected in accordance with subsection [\(3\)](#), be elected by the electors of the community as a whole.
- (5) If a community is subdivided for electoral purposes or if the members of the community board are to be elected in accordance with subsection [\(3\)](#),—
  - (a) each member of the community board who represents a subdivision must be elected by the electors of the subdivision; and
  - (b) each member of the community board who represents a ward must be elected by the electors of that ward.]

## OTHER MATTERS FOR CONSIDERATION

### Remuneration

The current community board remuneration is as follows:

Community Board Chair	\$10,335.57
Community Board Members	\$5,177.78

It is important to note that half of this remuneration is from the “remuneration pool” as determined by the Remuneration Authority.

It is also worthy of note that some councils have a targeted rate to fund community boards.

## **RECOMMENDATION**

THAT Council conclude its representation review by resolving whether or not community boards are a part of the final decision, and if so how many and which communities they serve, the number of members to be elected and appointed to the board(s), and that the final representation review be publicly notified.

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<http://tdctoday:82/Shared Documents/Meetings/Council/Full Council/Reports/2006/RCN060824 Report Representation Review Community Boards.doc>