

STAFF REPORT

TO: Mayor and Councillors

FROM: Paul Wylie, Chief Executive Officer

SUBJECT: **Amalgamation Process and Actions - Report prepared for an extraordinary meeting of Council September 2010 – RCN10-09-08**

PURPOSE

The purposes of this report are to:

- advise Council of the steps in the process for consideration by the Local Government Commission of the petition for the amalgamation (union) of Nelson City and Tasman Districts
- seek agreement from the Council to staff making information available to the residents of the District
- seek agreement from the Council to staff preparing a submission for Council consideration prior to sending it to the Local Government Commission by the closing date for submissions.

BACKGROUND

The petition for the amalgamation of Nelson City and Tasman District organised by Nelson City Councillor, Aldo Miccio, has passed the threshold of 10 percent of signatures of electors in both Nelson City and Tasman District. The Local Government Commission has accepted the petition and called for submissions on the amalgamation proposal. Submissions close on 8 November 2010.

DISCUSSION AND OPTIONS

Process

The process for the Local Government Commission's consideration of the amalgamation proposal is:

- The Commission calls for submissions on the proposal to amalgamate Nelson City and Tasman District by 8 November 2010 based in the information put out by the petition organiser. The information sought by the Commission includes:
 - whether the proposal should proceed
 - whether a minor variation to the union proposal should be adopted
 - the advantages and disadvantages of the proposal compared to the status quo and

- if the proposal is implemented, details that could be included in a draft reorganisation scheme such as representation arrangements and community board structures and functions.
- After the closing date for submissions, the Commission gives the submissions received to the “representative of electors” (ie the representative of those who signed the petition, in this case Aldo Miccio) and provides the opportunity for the representative to withdraw the proposal.
- If the proposal is not withdrawn, the Commission will likely meet with the affected and adjoining local authorities, community boards, the representative of electors, relevant government agencies, Maori organisations and those other people and organisations who have made submissions. This is usually done at a hearing or hearings in the affected areas.
- The commission may carry out other investigations and inquiries so that it has enough information on which to make a decision.
- The commission then decides whether to issue a draft reorganisation scheme (based on the proposal or on a modification or variation of the proposal) or not to proceed with the proposal.
- If the Commission decides to issue a draft reorganisation proposal, the draft reorganisation proposal is then put out to the public who are invited to make submissions on the draft.
- The Commission considers those submissions and then decides whether to decline the petition, or to carry on.
- If the Commission decides to carry on it will refine its draft reorganisation proposal into a final reorganisation proposal.
- The final proposal is put out for a vote in each Council area.
- If the majority in each area vote in favour, the proposal is then implemented and a single new area is formed and managed by a new Council. If either community votes against the proposal, it fails in total and each area and Council carries on as currently exists.

Communicating information

The only information the public currently has to comment on is limited to the information from the Commission contained in a press release, information on the Commission’s process, a map of the City and District areas, and a letter from Aldo Miccio outlining the amalgamation proposal and the reasons for amalgamation (refer Appendix 1 for details).

There would be advantages in the public having more information available to them prior to putting in submissions at this stage in the process. For example, information on the likely representation if a single area and Council is formed, information on the shared services existing between the current Councils.

This information could be distributed to Tasman residents and ratepayers through special amalgamation editions of Newsline.

The information would need to be factual, rather than opinion based. The first edition could cover:

- the Local Government Commission process
- encouraging people to send submissions to the Commission on the amalgamation proposal
- the current shared services undertaken by the Councils.

The second edition could cover representation issues and the scope of the Commission's consideration.

The information contained in the Newsline special amalgamation issues would also be made available on Council's website.

Council has the option of providing further information to the public to encourage them to put in submissions to the Commission and to help inform the preparation of the submissions. Alternatively, Council could decide not to provide additional information to the material sent out from the Commission.

I consider that we have a responsibility to make factual information available to the public and seek Council's agreement to the special editions of Newsline being produced and the information being made available on the website.

Submission to the Local Government Commission

As noted above, the Commission has called for submissions on the amalgamation proposal. If Council wishes to put in a submission, staff will need to prepare a draft submission for Council's consideration at its meeting on 28 October 2010. The submission can then be amended and finalised prior to the closing date.

The Commission is likely to expect a submission from Council and has written to Council seeking such a submission, however, Council has the option of deciding not to submit. It has been the usual practice during other reorganisation proposals for the affected councils to prepare submissions to the Commission and to ask to be heard by the Commission. Council is one of the key organisations best placed to identify important matters for the Commission to consider on behalf of the Tasman community.

I ask that Council direct staff to prepare a draft submission for consideration by the Council in October and that a working group of the Mayor, Deputy Mayor and Cr Bryant be authorised to work with staff on the preparation of the draft submission and the final submission.

SIGNIFICANCE

The matters contained in this report are not significant in terms of Council's Significance Policy.

RECOMMENDATIONS

THAT the Tasman District Council:

- 1. Notes the process that the Local Government Commission will be following for consideration of the petition for the amalgamation of Nelson City and Tasman District.**
- 2. Agrees to the preparation of some special amalgamation editions of Newsline.**
- 3. Agrees to the information contained in the special amalgamation editions of Newsline being put on the Council website along with other relevant information.**
- 4. Directs staff to prepare a draft submission for consideration by Council at its meeting on 28 October 2010.**
- 5. Asks staff to work with the Mayor, Deputy Mayor and Cr Bryant on preparation of the draft submission and the final submission.**

Report prepared by

Paul Wylie
Chief Executive Officer