

Otago Local Authorities' Triennial Agreement 2020–22

Background

1. Section 15 of the Local Government Act 2002 (the Act) requires local authorities within a region to enter into a Triennial Agreement (the Agreement) by 1 March following triennial local body elections.
2. The purpose of the Agreement is to ensure appropriate levels of communication, co-ordination and collaboration between local authorities within the region. The agreement must include:
 - protocols for communication and co-ordination between the councils
 - the process by which councils will comply with s. 16 of the Act, which applies to significant new activities proposed by regional councils
 - processes and protocols through which all councils can participate in identifying, delivering and funding facilities and services of significance to more than one district.
3. Agreements may also include commitments to establish joint governance arrangements to give better effect to the matters set out in paragraph 2 above.

Parties to the Agreement

4. The Parties to the Agreement are the Queenstown Lakes, Central Otago, Waitaki and Clutha District Councils, the Dunedin City Council, and the Otago Regional Council.

Working together for Otago

5. The focus of this Agreement is issues and opportunities of significance to the Otago region. The Parties commit to working together in good faith for the good governance and sustainable development of Otago.
6. The Parties recognise that:
 - a. shared objectives and a collective voice can better serve Otago's communities and environment; and
 - b. working together can bring efficiencies, including through reduced duplication of effort and practical solutions such as shared services.
7. While collaboration and cooperation are desirable, Otago's communities and landscapes are diverse, and each local authority has the legislative mandate to govern its own area as appropriate.
8. The Parties value and will maintain open communication, collaboration and trust. In the interest of "no surprises", where practicable the Parties will give early notice of potential disagreements or actions likely to impact significantly on other Parties.

Governance

9. The primary mechanism to implement this Agreement is the Otago Mayoral Forum, comprised of the region's Mayors and the Chair of the Otago Regional Council. The Forum will meet quarterly and operate in accordance with its agreed terms of reference, which are **attached**.
10. The Otago Mayoral Forum will be supported by the Otago Chief Executives Forum and other regional forums and working groups as agreed from time to time.
11. The Otago Chief Executives Forum will:
 - identify and escalate to the Otago Mayoral Forum strategic issues and opportunities for collaboration, and
 - report to the Otago Mayoral Forum on the delivery of its agreed actions, work programmes or collaborative projects
12. The Otago Regional Council will host a permanent secretariat to support both the Otago Mayoral Forum and the Otago Chief Executives Forum.

Significant new activities

13. When a Party is considering a major policy initiative or proposal that may have implications for other Parties, and unless such disclosure is inconsistent with the Local Government Official Information and Meetings Act 1987 or commercial confidences precludes such disclosure, they will give early notification to the affected Parties and share the information with the Otago Mayoral Forum and the Otago Chief Executives Forum.
14. The Otago Regional Council will provide early advice to the Otago Chief Executives Forum and the Otago Mayoral Forum of any significant new activity, in addition to other requirements specified in s.16 of the Act.

Significant facilities and services

15. The Otago Mayoral Forum and Otago Chief Executives Forum may from time to time explore options for identifying, delivering and funding facilities and services of significance to more than one district. Any Party to this Agreement may raise these issues for consideration at the Forums.

Regional Policy Statement review

16. The Agreement applies to any change, variation or review of the Otago Regional Policy Statement.

Other agreements

17. This Agreement does not prevent the Parties from entering into other agreements among themselves or outside the Otago region. Any other such agreement should not, however, be contrary to this Agreement.

Agreement to review

18. A triennial agreement may be varied by agreement between all the local authorities within the region and remains in force until local authorities ratify a new agreement.
19. Any one or more of the Parties can request an amendment to this Agreement by writing to the Chair of the Otago Mayoral Forum at least two weeks before a regular quarterly meeting of the Forum.
20. The Otago Mayoral Forum will review the Agreement no later than the final meeting before triennial local body elections and recommend any changes to the incoming councils.
21. Any agreed amendment will be referred to each local authority for ratification. No amendment to this Agreement has effect until signed by all parties.

Authority

22. This Otago Local Authorities' Triennial Agreement 2020–22 is signed by the following on behalf of their respective authorities:

COUNCIL	SIGNATURE	DATE
Central Otago District Council Mayor Tim Cadogan		
Clutha District Council Mayor Bryan Cadogan		
Dunedin City Council Mayor Aaron Hawkins		
Queenstown Lakes District Council Mayor Jim Boulton		

Otago Regional Council Chair Marian Hobbs		
Waitaki District Council Mayor Gary Kircher		

Appendix: Otago Mayoral Forum terms of reference

1. Name

The name of the group shall be the Otago Mayoral Forum.

2. Objectives

- (a) To identify, prioritise and work towards shared positions on issues and opportunities for the Otago region.
- (b) To provide a collective voice to advocate for and raise the profile of these issues and opportunities.
- (c) To enable Otago councils to work more collaboratively with each other, with central government and with other key sector leaders in Otago.
- (d) To increase the effectiveness of local government in meeting the needs of Otago communities.

3. Principles

In pursuit of these objectives the Otago Mayoral Forum will observe the following principles:

- (a) Members of the Forum speak in their own right, rather than as representatives of their councils.
- (b) The Forum will work towards shared positions on issues of mutual concern, and may formalise these through letters of support, submissions and/or public statements as appropriate.
- (c) The Forum will exercise its functions with due regard to the tangata whenua and cultural diversity of the Otago community.
- (d) The Forum will establish processes for reporting back to its respective councils and communities.

4. Powers

- (a) The Otago Mayoral Forum does not have the power to legally bind any council to any act or decision, unless that act or decision has been agreed to by decision of that council.
- (b) The Otago Mayoral Forum shall have the power to:
 - i. receive any grant or subsidy
 - ii. receive financial contributions from member authorities, as may be mutually determined and acceptable to individual local authorities
 - iii. determine and make payments from its funds for any or all of the purposes of its objects

5. Membership

- (a) Membership of the Otago Mayoral Forum shall be open to the following councils:
 - Central Otago District Council
 - Clutha District Council
 - Dunedin City Council
 - Queenstown Lakes District Council
 - Otago Regional Council
 - Waitaki District Council
- (b) Each member council shall be represented by its Mayor (or Chairperson in the case of Otago Regional Council) and supported by its Chief Executive. On occasions where the Mayor or Chair cannot attend, a council may be represented by its Deputy Mayor or Chair.
- (c) The Otago Mayoral Forum will have the power to co-opt other members on a permanent and/or issues basis.
- (d) Te Rōpu Taiao Otago is the formal structure underpinning the relationship between Kāi Tahu ki Otago and Otago local authorities. It meets in accordance with its Governance Charter, with meetings usually scheduled alongside those of the Otago Mayoral Forum.

6. Chairperson

- (a) The Otago Mayoral Forum shall select a Chairperson at the first meeting immediately following the Triennial Elections. This appointment may be reviewed after a period of 18 months.
- (b) The Chairperson selected will preside at all meetings of the Otago Mayoral Forum.
- (c) The Otago Mayoral Forum may appoint spokespersons from its membership for issues being considered, in which case each member council agrees to refer all requests for information and documents to the duly appointed spokespersons.

7. Meetings

- (a) Meetings will be held quarterly at venues to be determined.
- (b) Special meetings may be called at the request of members.
- (c) The secretariat will prepare an agenda for Mayoral Forum meetings in consultation with the Chair and the Chief Executives Forum.
- (d) Agendas for meetings will be issued and minutes will be taken and circulated.
- (e) A summary of each meeting will be drafted, agreed by the Chair, and circulated by the secretariat to members for distribution within member councils as a high-level record of the meeting.
- (f) Approved minutes and approved final reports and papers will be made available via a Mayoral Forum website.

8. Decision making

- (a) The practice of the Forum will be to determine issues before it by consensus.
- (b) If the consensus is to determine issues by voting, the determination shall be determined by a majority of votes of the authorities represented at the meeting through the Mayor (or Chair) or their nominated representative.

9. Secretariat

The Otago Mayoral Forum will appoint Otago Regional Council to carry out the secretariat function on such terms and conditions as it shall decide for the discharge of duties, including the taking of minutes and the keeping of any books and accounts and attending to any other business of the forum.