

Governance, Communications & Engagement Committee Agenda

10 March 2022



Meeting is held in the Council Chamber, Level 2, Philip Laing House
144 Rattray Street, Dunedin - Councillors and staff only

[ORC YouTube Livestream - Members of the Public](#)

Members:

Cr Michael Deaker, Co-Chair	Cr Kevin Malcolm
Cr Michael Laws, Co-Chair	Cr Andrew Noone
Cr Hilary Calvert	Cr Gretchen Robertson
Cr Alexa Forbes	Cr Bryan Scott
Cr Carmen Hope	Cr Kate Wilson
Cr Gary Kelliher	

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Liz Spector, Governance Support Officer

10 March 2022 09:00 AM

Agenda Topic	Page
1. PUBLIC FORUM No requests to address the Committee under Public Forum were received prior to publication of the agenda.	
2. APOLOGIES Cr Bryan Scott has tendered his apologies.	
3. CONFIRMATION OF AGENDA Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
4. CONFLICT OF INTEREST Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.	
5. CONFIRMATION OF MINUTES Minutes of previous meetings will be confirmed as true and accurate records, with or without changes.	3
5.1 Minutes of the 10 November 2021 Governance, Communications and Engagement Committee	3
6. OPEN ACTIONS FROM RESOLUTIONS OF THE COMMITTEE	7
7. MATTERS FOR CONSIDERATION	8

7.1	ORC COMMUNITY SURVEY 2021 - DRAFT ACTION PLAN	8
	This report presents the draft Community Survey 2021/22 Action Plan for consideration.	
	7.1.1 Draft ORC Community Survey Action Plan 2021/22	12
7.2	PORT DIRECTORS APPOINTMENT GUIDELINES	15
	This report is provided for consideration of revised Guidelines for the appointment of Directors to Port Otago Limited.	
	7.2.1 Appendix B Guidelines revised March 2022	17
7.3	CHIEF EXECUTIVE'S STAFF/COUNCILLOR PROTOCOL	19
	This report is provided to discuss the Chief Executive's Protocol for staff/councillor engagement.	
	7.3.1 Protocol for Contact between Elected Members and Employees	21
8.	NOTICE OF MOTION	24
	8.1 NOTICE OF MOTION - COMMUNITY ENGAGEMENT WORK PROGRAMME FOR THE LAND AND WATER REGIONAL PLAN FMUs	24
	8.1.1 Notice of Motion - Cr Deaker 2022.03.03	25
9.	CLOSURE	



Minutes of a meeting of the
Governance, Communications and
Engagement Committee held in the
Council Chamber on
Wednesday 10 November 2021 at
10:00am

Membership

Cr Michael Deaker (Co-Chair)
Cr Michael Laws (Co-Chair)
Cr Hilary Calvert
Cr Alexa Forbes
Cr Carmen Hope
Cr Gary Kelliher
Cr Kevin Malcolm
Cr Andrew Noone
Cr Gretchen Robertson
Cr Bryan Scott
Cr Kate Wilson

Welcome

Chairperson Laws welcomed Councillors, members of the public and staff to the meeting at 10:03am. Staff present included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gwyneth Elsum (GM Strategy, Policy and Science), Gavin Palmer (GM Operations, and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Dianne Railton (Governance Support), and Jo Galer (Manager Communications and Marketing).

1. APOLOGIES

Resolution: Cr Laws Moved, Cr Hope Seconded:

That the apology for Cr Deaker be accepted.

MOTION CARRIED

2. PUBLIC FORUM

No public forum was held.

3. CONFIRMATION OF AGENDA

Cr Laws asked to add an item of general business to discuss how to improve communications from a governance perspective after conclusion of the last agenda item

Resolution: Cr Calvert Moved, Cr Hope Seconded:

That a round table discussion on how to improve communication from a governance perspective be held.

MOTION CARRIED

4. CONFLICT OF INTEREST

No conflicts of interest were advised.

5. CONFIRMATION OF MINUTES

Resolution: Cr Laws Moved, Cr Hope Seconded

That the minutes of the meetings held on 11 August 2021 and 8 September 2021 be accepted as true and accurate records.

MOTION CARRIED

6. ACTIONS

The status report on the resolutions of the Governance, Communications and Engagement Committee was reviewed.

7. MATTERS FOR CONSIDERATION

7.1. Schedule of Council, Committee and Workshop/Briefing Days for 2022

The report was provided for the Committee to consider a schedule of Council, Committee meeting and workshop/briefing days for 2022. Amanda Vercoe (GM Governance, Culture and Customer) was present to speak to the report and respond to questions. The proposed schedule was discussed, including frequency of meetings and consideration to conduct Council/Committee meetings and site visits in the region. Cr Laws suggested that three meetings be held outside of Dunedin during 2022 and he moved:

Resolution: Cr Laws Moved, Cr Scott Seconded

That the Committee:

- 1) **Requests** that Council/Committee meetings or be scheduled for Clutha, Waitaki and Central for 2022.

A division was called:

Vote

For:	Cr Hope, Cr Kelliher, Cr Laws and Cr Scott
Against:	Cr Calvert, Cr Forbes, Cr Malcolm, Cr Noone, Cr Robertson and Cr Wilson
Abstained:	Nil

MOTION LOST (4 votes for and 6 votes against)

Following further discussion, Cr Wilson suggested to conduct two meetings outside of Dunedin and she moved:

Resolution GCE21-108: Cr Wilson Moved, Cr Scott Seconded

That the Committee:

- 1) **Notes** this report.
- 2) **Adopts** the schedule for council, committee, and workshop/briefing days for 2022, with the amendment that two of the meetings on the schedule be outside Dunedin and combined with appropriate community site visits in 2022.

A division was called:

Vote

For:	Cr Forbes, Cr Hope, Cr Kelliher, Cr Laws, Cr Malcolm, Cr Noone, Cr Scott and Cr Wilson
Against:	Cr Calvert and Cr Robertson
Abstained:	Nil

MOTION CARRIED (8 votes for and 2 votes against)

7.2. Quarterly Actions Register Update - November 2021

The report provided an overview of the actions that have been added to the Council work programme. Amanda Vercoe (GM Governance, Culture and Communication) was present to speak to the report and respond to questions. Cr Robertson noted that this Quarterly Action List is a conglomeration of all actions from Council and Committees. Cr Robertson said that she would like for the Quarterly Actions Register Update - November 2021 report to be referred to the Audit and Risk Subcommittee for consideration of the processes that we have in place, and to ensure that Local Government Act requirements are being met.

Resolution GCE21-109: Cr Robertson Moved, Cr Scott Seconded

That the Committee:

- 1) **Notes** this report.
- 2) **Notes** the Council Action Register.
- 3) **Refers** this report to the Audit & Risk Subcommittee for further consideration.

MOTION CARRIED

7.3. Consideration of Job Descriptions for Chair and Deputy Chair

Co-Chair Laws moved a closure motion that consideration of the report *Job Descriptions for Chair and Deputy Chair* be adjourned to the first triennial meeting in October 2022. Cr Calvert seconded the closure motion.

After a discussion of the procedural motion, Cr Noone noted that this motion should not be accepted because no speakers had been given the opportunity to speak for or against the report prior to the closure motion being made as provided in Standing Orders.

Chairperson Laws then opened the meeting for questions and debate, and following considerable discussion of the job descriptions, Cr Laws moved:

Resolution GCE21-110: Cr Laws Moved, Cr Scott Seconded

That the Committee:

- 1) **Notes** this report.
- 2) **Requests** that this item be moved to a working party of the Chair, Deputy Chair, Cr Robertson, and Cr Scott and Cr Calvert, to further refine the job description for the Chair and Deputy Chair of the ORC for reference to a future meeting of the Council.

MOTION CARRIED

Cr Noone further moved:

Resolution GCE21-111: Cr Noone Moved, Cr Calvert Seconded

That the Committee:

- 1) **Requests** that the working party meet as soon as possible, and a report come back for Council's consideration at the Council meeting on 9 December 2021.

MOTION CARRIED

8. CLOSURE

As resolved under Confirmation of the Agenda, a discussion on how to improve communication from a governance perspective was held with Councillors and staff.

There being no further business, Chairperson Laws declared the meeting closed at 12:18pm.

Chairperson

Date

OPEN ACTIONS OF COMMITTEE RESOLUTIONS – GOVERNANCE, COMMUNICATIONS AND ENGAGEMENT 2022.03.10

Meeting Date	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
13/05/2021	COMS2101 Community Survey Implementation Plan	Completed	Deliver a community survey for ORC, sample size 1700, between August and October 2021. Versus Research will be contracted to deliver the annual survey for next 3 years. Res GCE21-101	General Manager Regulatory and Communications	2/11/2021 Governance Support Officer Survey underway. Results will be reported when available. 10/01/2022 Governance Support Officer Results of the Community Survey reported to Council on 9/12/2021.	09/12/2021
11/08/2021	COMS2104 Update on EnviroSchools	Completed	Provide a staff report to Council in time for the 2022/23 Annual Plan regarding costs of offering the EnviroSchools programme to all schools and other education centres in Otago to include information regarding any territorial authority funding that would be required. RES GCE21-103	General Manager Regulatory and Communications	2/03/2022 Governance Support Officer This report was provided to the Finance Committee at the 23 February 2022 meeting. It was resolved to refer consideration of joint funding of the programme to the Otago Mayoral Forum through Chair Noone.	31/05/2022
10/11/2021	GOV2151 Quarterly Actions Register Update - November 2021	Completed	Refer the Quarterly Actions Register dated November 2021 to the Audit and Risk Subcommittee for further consideration. Res GCE21-109	General Manager Governance, Culture and Customer	2/03/2022 Governance Support Officer This report was referred to the 24 February 2022 Audit and Risk Subcommittee meeting as resolved.	10/02/2022
10/11/2021	GOV2149 Consideration of Job Descriptions for Chair and Deputy Chair	Completed	Following a meeting of a working party consisting of Crs Noone, Laws, Calvert, Robertson, and Scott to refine the Chair and Deputy Chair job descriptions, report back to Council at its 9 December 2021 meeting with JDs for consideration. Res GCE21-110, and GCE21-111	General Manager Governance, Culture and Customer	10/01/2022 Governance Support Officer Updated job descriptions for Chair and Deputy Chair were adopted on 9/12/2021. GCE21-214	09/12/2021

7.1. Otago Regional Council Community Survey 2021 - Draft Action Plan

Prepared for: Governance, Communications and Engagement Committee

Report No. COMS2202

Activity: Community: Governance & Community

Author: Richard Saunders, General Manager Regulatory and Communications

Endorsed by: Richard Saunders, General Manager Regulatory and Communications

Date: 10 March 2022

PURPOSE

- [1] This report presents the draft Community Survey 2021/2022 Action Plan to the Committee for consideration.

EXECUTIVE SUMMARY

- [2] As part of the 2020/2021 Annual Plan, Councillors requested that staff initiate delivery of a community survey for ORC. The first survey was carried out in the second half of 2021 and results presented to Council at a meeting on 9 December 2021.
- [3] Staff have reviewed the survey results and developed a draft action plan which responds to the findings.
- [4] The ORC Community Survey 2022/2023 will be undertaken between August and October 2022 and the results reported to Council prior to Christmas.

RECOMMENDATION

That the Committee:

- 1) **Notes** this report.
- 2) **Adopts** the draft ORC Community Survey Action Plan 2021 / 2022.
- 3) **Requests** that staff report back on progress against the action plan as part of the reporting of ORC Community Survey Results for 2022/2023.

BACKGROUND

- [5] During the 2020/2021 Annual Plan process, Councillors requested that staff initiate a project to deliver a community survey for ORC.
- [6] On 9 September 2020 a workshop was held with Councillors to ensure staff had a clear understanding of the objectives of the community survey project.
- [7] Following the workshop staff completed a procurement process and appointed Versus Research to develop the community survey and deliver it for three years commencing in 2021.

- [8] In early 2021 Versus Research engaged with a range of Councillors and staff to refine the purpose and scope of the community survey. This information was used to inform an implementation plan.
- [9] A further workshop was held with Councillors on 11 March 2021 to test the outcomes of the scoping work and confirm the objectives of the survey. The objectives established at the workshop were to determine:
- a. Community awareness and perceptions of ORC.
 - b. Issues of priority to the community.
 - c. How different communities would prefer to engage.
 - d. Community knowledge and attitudes regarding the environment.
- [10] The survey has now been completed and a detailed report including recommendations has been presented to Council by Versus Research. An accompanying report from staff recommended that a draft action plan in response to the survey be presented to the Governance, Communications and Engagement Committee for consideration.

DISCUSSION

- [11] Survey results were presented in five key areas. These were knowledge, perceptions, expectations, engagement and environmental attitudes. Versus research analysed the key findings of each of the key areas and made the following overall recommendations:
- a. Develop clear links to the environment and the role that ORC plays in this.
 - b. Communicate the actions that have been taken with regards to environmental protection
 - c. Broaden the use of communication channels
 - d. Address or manage perceptions of in-fighting amongst Councillors
- [12] An action plan has been developed and aligned with both key findings a, b and c and focus areas from within the survey. The draft action plan is included as Attachment 1 of this report.
- [13] The action plan reflects the existing work programme of ORC. Managers have identified the included actions that can be delivered within existing or proposed budgets. Further changes or additions to this plan may require additional funding or reprioritisation of existing work plans.
- [14] No actions have been included in response to overall recommendation d. Councillors may choose to add an action in response to this.

OPTIONS

- [15] There are three options for the Committees consideration.

Option 1 – Recommended Option

- [16] That the Committee approves the draft Community Survey Action Plan 2021/2022.

Advantages

- [17] ORC has an approved plan informed by the findings of the Community Survey.
- [18] Delivering an action plan ensures there is a return on the investment made in the community survey.

Disadvantages

[19] There are no disadvantages identified with this option.

Option 2

[20] That the Committee approves the draft Community Survey Action Plan 2021/2022 with changes.

Advantages

[21] ORC has an approved plan informed by the findings of the Community Survey.

[22] Delivering an action plan ensures there is a return on the investment made in the community survey.

Disadvantages

[23] Depending on the changes requested by the Committee there may be an impact on Council's existing work programme and budgets.

Option 3

[24] That the Committee does not approve the draft Community Survey Action Plan 2021/2022.

Advantages

[25] There will be no additional requirements on staff over and above the actions that are already part of the planned work programme.

Disadvantages

[26] ORC will not have an approved action plan which responds to the findings of the Community Survey.

[27] Not approving and delivering an action plan will provide no return on the investment made in the community survey.

CONSIDERATIONS

Strategic Framework and Policy Considerations

[28] ORC's stated vision is, "Otago's communities, through engagement, trust us to make well-informed decisions and enable solutions". Delivering an action plan in response to the findings of the community survey will contribute to improved engagement with the Otago community.

Financial Considerations

[29] The actions included in the draft action plan are included in the proposed annual plan budgets. Should Councillors choose to add additional actions consideration will need to be given to any additional funding required to deliver these.

Significance and Engagement Considerations

- [30] This decision is not considered significant when considered against He Mahi Rau Rika (Significance, Engagement and Māori Participation Policy).

Legislative and Risk Considerations

- [31] There are reputational risks to consider should ORC not develop and deliver an action plan in response to the findings of the survey.

Climate Change Considerations

- [32] There are no climate change considerations associated with this report.

Communications Considerations

- [33] Communications are a significant part of several actions included in the draft plan.

NEXT STEPS

- [34] Should the Committee approve the plan, staff will continue to implement actions in the plan.
- [35] A review of delivery against the action plan will be presented alongside the results of the ORC Community Survey 2022/2023.

ATTACHMENTS

1. ORC Community Survey Draft Action Plan [7.1.1 - 3 pages]

Draft ORC Community Survey Action Plan 2021/2022

Ref #	Description	Area of Focus Link to overall recommendations	Responsible team	Status
1	All customers who contact the pollution hotline will be called or emailed back and advised on the action taken by ORC	Perceptions: Services A/B	Compliance	Complete
2	Proactively advertise the existence of the Pollution Hotline service and its purpose. Identify opportunities to publicise jobs attended by the team and link those to appropriate environmental messages.	Knowledge: Awareness Perceptions: Services A/B	Compliance Communications and Marketing	Planning
3	Catchment stories website to be set up as a "listening post" for community groups (part of economic impact assessment of LWRP) Economic work programme - notesheet for public to outline the approach (on website and promoted with stakeholders) Planned community engagement around meaning of wellbeing in Otago	Knowledge: Awareness Engagement A/C	Strategy	Underway/Planning
4	Youth engagement (e.g. attendance at careers fairs, graduate programme, school visits)	Knowledge: Awareness Engagement A/C	People and Culture GM's / Managers	Planning / Complete
5	Masters projects with University of Otago Students: 1. Increasing the public's knowledge of the consent process	Knowledge: Awareness Perceptions: Services A/C	Regulatory	Underway

	2. Encouraging compliance with permitted activity stormwater rules			
6	SoE Reporting - Community Communication Strategy Joint Project With Science Communications staff from Otago Museum. Aim to make SOE monitoring results more accessible to the community	Knowledge: Awareness Perceptions: SOE Expectations: Environmental Response A/C	Science Communications and Marketing	Underway
7	The EI team will be partnering with Ministry for Primary Industries to raise the profile (and ORC's role) in managing biosecurity threats - namely wilding conifers and wallabies. Further community and engagement strategies will be developed and implemented.	Knowledge: Awareness Perceptions: Services A/B	Environmental Implementation	Planning
8	Create publicly-accessible graphics of four key performance growth areas highlighted in our quarterly activity reports to promote the work or ORC	Knowledge: Awareness Perceptions B	Communications and Marketing Corporate	Not commenced
9	Deliver a new website for ORC	Knowledge: Awareness Perceptions Engagement A/B/C	Communications	Planning
10	Delivery of a range of 'on the ground' programmes over the coming years. This includes increased restoration of degraded waterways, facilitating community responses to pest management and supporting community groups and landowners/occupiers with solutions to environmental problems. Demonstrating a proactive response to complex environmental	Perceptions: Services Expectation: Lack of Action	Environmental Implementation Communications and Marketing	Underway / Ongoing

	issues should address the perceived lack of action. Ensure associated promotion of the positive news stories	A/B/C		
11	Implement a new map based 'communication piece' to support the communities understanding about the services it receives for the rates it pays. Was endorsed by Council Dec2021 and will be revised to for use in the 2022-23 Annual Plan process.	Knowledge: Activity Awareness Perceptions: Value for money A/C	Corporate Planning	Underway
12	Development and implementation of catchment action plans, which will provide a mechanism to highlight the work undertaken by ORC and communities across a broad range of environmental domains.	Knowledge: Activity Awareness Perceptions: Services Engagement A/B/C	Environmental Implementation	Underway
13	Video Marketing Campaign aimed at increasing bus patronage in Dunedin and Queenstown	Perceptions: Services Engagement A/C	Public Transport Communications and Marketing	Planning
14	Explore opportunities for sharing of positive news stories or important updates on key topics across a range of media including print, web and social media	Perceptions: Services Perceptions: Value for Money Engagement A/B/C	Communications and Marketing	Planning

7.2. Port Directors Appointment Guidelines

Prepared for: Governance, Communications and Engagement Committee
Report No. GOV2212
Activity: Governance Report
Author: Nick Donnelly, General Manager Corporate Services
Endorsed by: Nick Donnelly, General Manager Corporate Services
Date: 10 March 2022

PURPOSE

- [1] To approve revised Guidelines for the Appointment of Directors to Port Otago Limited.

EXECUTIVE SUMMARY

- [2] Council has adopted a Recruitment and Appointment Policy (Governance) which includes Appendix B Guidelines for the Appointment of Directors to Port Otago Limited (the guidelines).
- [3] The guidelines include a specific consideration that a maximum term of 3 terms (9 years) is recommended for Director appointments. The Port Liaison Working Group may choose to allow a longer term in certain circumstances.
- [4] At the Port Liaison Working Group meeting on 2 December 2021, it was discussed and agreed that the maximum term should not apply to the Board Chair.
- [5] This reflects that if a Director becomes Chair towards the end of the maximum term they could only hold that position for a short period of time. Unless a Director was appointed as Chair early in their tenure, there is the likelihood that the position of Chair could be filled by a number of short-term appointments which is not desirable.
- [6] The guidelines have been amended to reflect that recommendation with clause 6 having the words “for Directors with the exception of the Chair” added.

RECOMMENDATION

That the Committee:

- 1) **Notes** this report.
- 2) **Approves** the attached Appendix B Guidelines for the Appointment of Directors to Port Otago Limited.

BACKGROUND

- [7] The Governance, Communications and Engagement Committee meeting on 10 September 2020:
- Approved the Otago Regional Council Recruitment and Appointment Policy (Governance).
 - That policy included Appendix B Guidelines for the Appointment of Directors to Port Otago Limited. This included a residency clause.

[8] Council on 30 September 2020:

- Approved a revised version of the Constitution of Port Otago Limited.
- This was then submitted to the Minister of Transport for final approval.
- The Minister requested the residency clause was reinstated in the Constitution.

[9] Council on 24 March 2021:

- Approved the final version of the Constitution of Port Otago Limited after review by the Minister of Transport and inclusion of the residency clause.
- The final Constitution includes clause 9.3 that requires at least three Directors to be ordinarily resident in New Zealand.
- Approved a revised Appendix B Guidelines for the Appointment of Directors to Port Otago Limited. This removed the residency clause as this is now included in the Constitution.

CONSIDERATIONS

Strategic Framework and Policy Considerations

[10] The Guidelines for the Appointment of Directors to Port Otago Limited form part of the Otago Regional Council Recruitment and Appointment Policy (Governance).

Financial Considerations

[11] There are no financial considerations.

Significance and Engagement Considerations

[12] Not applicable.

Legislative and Risk Considerations

[13] There are no legislative or risk considerations.

Climate Change Considerations

[14] Not applicable.

Communications Considerations

[15] Not applicable.

NEXT STEPS

[16] The Chair of the Port Liaison Working Group will advise the Chair of the Board of Port Otago of the outcome of this meeting.

ATTACHMENTS

1. Appendix B Guidelines for the Appointment of Directors to Port Otago Limited - Revised - March 2022 [7.2.1 - 2 pages]

Appendix B: Guidelines for the Appointment of Directors to Port Otago Limited

Introduction

1. This guideline outlines the process to be undertaken to appoint Directors of Port Otago Limited. It is intended to compliment and provide further guidance to the Recruitment and Appointment Policy (Governance) and Port Otago's Constitution.

Port Companies Act

2. The Port Companies Act 1988 states that Directors of port companies shall be persons who, in the opinion of those appointing them, will assist the port company to achieve its principle objective to operate a successful business.

Appointment Panel

3. The selection and appointment of Directors will be undertaken by Council's Port Liaison Working Group. The Port Liaison Working Group will determine the selection criteria for each appointment.
4. The Board of Port Otago will advise Council of any vacancy or upcoming retirement and indicate the specific skills they require in an appointment. Council will forward this information on to the Chair of the Port Liaison Working Group who will then initiate the recruitment process in line with the Recruitment and Appointment Policy (Governance) and this guideline.
5. It is recommended that an external recruitment agency is used. The Port Liaison Working Group may decide to not use an external recruitment agency. If this occurs the reasons for doing so should be clearly documented.

Specific Considerations

6. Maximum term
 - A maximum of 3 terms (9 years) is recommended for Directors with the exception of the Chair.
 - The Port Liaison Working Group may choose to allow a longer term. Reasons for doing this may include:
 - To retain specific knowledge and experience
 - The make-up and average tenure of the rest of the Board
 - Previous terms being shorter than 3 years due to other retirements
7. Residency
 - There is a preference that the Board includes representatives who are resident or have business dealings / experience in the Otago Southland area.
8. Diversity
 - The appointment process will actively support Council's commitment to diversity, inclusion and equal opportunities.
9. Skills matrix
 - A skills matrix will be maintained to summarise the skills of the existing Board members and identify gaps and specific skills desired in each new appointment.

General Attributes of Directors

10. Commercial astuteness, governance experience and a strong strategic orientation.
11. A reputation as an effective contributor around the Board table and across the business on all governance matters.
12. A diversity of relevant commercial experience - may have been a senior executive in a commercial business.
13. A strong customer and business development focus, relationship building and communications skills, and an affinity for technology.
14. An appreciation of the Port and wider logistics sector; specialist sector expertise is not required.
15. Be articulate, able to convey thoughts in a clear and concise manner.
16. Have clear commitment to the responsibilities of a directorship.
17. Unimpeachable business ethics.
18. A positive attitude toward public ownership and the principles of good corporate citizenship.

7.3. Chief Executive's Staff/Councillor Protocol

Prepared for: Governance, Communications and Engagement Committee
Report No. GOV2213
Activity: Governance Report
Author: Sarah Gardner, Chief Executive
Endorsed by: Sarah Gardner, Chief Executive
Date: 4 March 2022

PURPOSE

- [1] To discuss the Chief Executive's Protocol for staff/councillor engagement.

EXECUTIVE SUMMARY

- [2] Under the Local Government Act and Otago Regional Council Code of Conduct, the Chief Executive has the responsibility to manage and direct staff (the Local Government Act makes it unlawful for Councillors to direct staff). This protocol provides for one exception, in that the Chief Executive has provided for direction of General Managers in the Protocol. The Chief Executive can amend the protocol at any time.

- [3] On 8 December 2021, the Implementation Committee made the following resolution:

That the Committee:

1. **Bring to the next Governance, Communications and Engagement meeting advice on protocols around how we approach governance/staff engagement.**

- [4] In response, the Chief Executive has attached a protocol, to formally record the framework for contact between elected members and employees. This is the same protocol that has been in place since the start of the triennium and advised verbally and via email on a number of occasions.

RECOMMENDATION

That the Committee:

- 1) **Notes this report.**

BACKGROUND

- [5] Nil.

DISCUSSION

- [6] Nil.

OPTIONS

- [7] Nil.

CONSIDERATIONS

Strategic Framework and Policy Considerations

[8] Not applicable.

Financial Considerations

[9] Not applicable.

Significance and Engagement Considerations

[10] Not applicable.

Legislative and Risk Considerations

[11] The framework is established under the Local Government Act, and the ORC Code of Conduct.

Climate Change Considerations

[12] Not applicable.

Communications Considerations

[13] Not applicable.

NEXT STEPS

[14] Not applicable.

ATTACHMENTS

1. ORC Protocol for contact between elected members and staff [7.3.1 - 3 pages]



[Version 1] 2022

OTAGO REGIONAL COUNCIL

PROTOCOL FOR CONTACT BETWEEN ELECTED MEMBERS AND EMPLOYEES

Issued on 10 March 2022

- 1 This Protocol is put in place in accordance with the Otago Regional Council's (the **council's**) Code of Conduct, which was adopted on 13 November 2019 (the **Code**).
- 2 Under section 42(1) of the Local Government Act 2002 (the **Act**), the council must appoint a chief executive. All other employees are employed by the chief executive, on behalf of the council, under section 42(2)(g) of the Act. Under the Act the chief executive is the only person who may lawfully instruct employees.

A. Background to this Protocol

- 3 Section 5 of the Code sets out agreed standards of behaviour expected between elected members; elected members and employees; and elected members and the public.
- 4 In regards to the relationship between elected members and employees, the Code provides at clause 5.2 that "*Members will respect arrangements put in place to facilitate [the relationship between the council and its chief executive], and... observe any protocols put in place by the chief executive concerning contact between members and employees*".
- 5 This Protocol is made in accordance with clause 5.2 of the Code to formally record the framework for the relationship between elected members and employees at the council.
- 6 In particular, this Protocol outlines the correct lines of communication, and responsibility for interactions, between elected members and employees.
- 7 Elected members must comply with the relationship and behavioural requirements in this Protocol as well as under the Code. The Code provides that failure by elected members to observe this Protocol represents a breach of the Code, which can be the subject of a complaint under section 12 of the Code.
- 8 The Code also states at clause 5.2 that "*failure to observe this portion of the Code may compromise the council's obligations to be a good employer and consequently expose the council to civil litigation or affect the risk assessment of council's management and governance control processes undertaken as part of the council's audit*".

B. Principles guiding behaviour between elected members and employees

- 9 The ongoing effective performance of the council requires a high level of communication and mutual respect between elected members and employees.
- 10 Clause 5.2 of the Code provides that elected members will:
 - raise any concerns about employees, officers or contracted officials with the chief executive;



[Version 1] 2022

- raise any concerns about the performance or behaviour of the chief executive with the mayor/chair or the chairperson of the chief executive performance review committee (however described);
- make themselves aware of the obligations that the council and the chief executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and avoid publicly criticising any employee;
- observe any protocols [*this protocol*] put in place by the chief executive concerning contact between members and employees; avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

C. Designated contact channels:

- 11 The Chair, Deputy Chair and Chief Executive meet weekly for the purpose of reviewing ORC operations and reviewing ORC policy making and operational procedures as required, and that the Chair report progress on any relevant issues discussed and canvassed to the Governance team (Council Resolution, 25 August 2021)
- 12 Council and Committee Co-Chairs meet in advance of Council, Committee and workshop/briefing agenda preparation, and then the meetings themselves (Standing Order 9.1) to discuss issues related to those meetings.
- 13 Outside of council, committee and workshop/briefing issues, elected members should direct enquiries relating to the council's five functions set out in the table below to the chief executive and/or the relevant general manager of that particular function. This includes enquiries from members of the public, that councillors need assistance to answer.
- 14 Either the general manager or the chief executive (depending who the elected member contacts with the enquiry) will be responsible for coordinating an appropriate response and may designate a particular staff member with appropriate seniority to assist with, or take responsibility for, responding to the enquiry.
- 15 For reasons relating to work programme delivery, prioritisation and staff welfare, councillors should not contact staff below General Managers directly.
- 16 There will be regular situations when councillors participate alongside ORC staff (below the Chief Executive and general managers) for example, at council and committee meetings, in the field, at community consultations, or at other community based events or activities. This is appropriate, but should be managed in line with the guidance in Section 13.



[Version 1] 2022

	Function of the Council	Designated point of contact	Types of enquiries
1.	Corporate Services	General Manager Corporate Services - Nick Donnelly (Nick.Donnelly@orc.govt.nz)	<ul style="list-style-type: none"> Finance Committee, Audit and Risk Subcommittee, Port Liaison Group,
2.	Strategy, Policy and Science	General Manager Strategy, Policy and Science - Gwyneth Ellum (Gwyneth.Ellum@orc.govt.nz)	<ul style="list-style-type: none"> Strategy and Planning Committee, Data and Information Committee, Land and Water Regional Plan Governance Group,
3.	Regulatory and Communications	General Manager Regulatory and Communications - Richard Saunders (Richard.Saunders@orc.govt.nz)	<ul style="list-style-type: none"> Regulatory Committee, Governance, Engagement and Communications Committee
4.	Operations	General Manager Operations - Gavin Palmer (Gavin.Palmer@orc.govt.nz)	<ul style="list-style-type: none"> Implementation Committee
5.	Governance, Culture and Customer	General Manager Governance, Culture and Customer - Amanda Vercoe (Amanda.Vercoe@orc.govt.nz)	<ul style="list-style-type: none"> Governance, Communications and Engagement Committee, Mana to Mana

Dated 2022

Sarah Gardner
Chief Executive
Otago Regional Council

8.1. Notice of Motion - Community engagement work programme for the Land and Water Regional Plan FMUs

Prepared for: Governance, Communications and Engagement Committee
Report No. Notice of Motion
Activity: Governance
Author: Liz Spector, Governance Support Officer
Endorsed by: Amanda Vercoe, General Manager Governance, Culture and Customer
Date: 3 March 2022

EXECUTIVE SUMMARY

1. In accordance with Standing Orders 27.1, the following valid Notice of Motion has been received from Cr Michael Deaker for inclusion on the agenda for the meeting being held on Thursday, 10 March 2022.

RECOMMENDATION

That the Committee:

- 1) **Considers the Notice of Motion.**


ATTACHMENTS

8.1.1 Notice of Motion – Cr Deaker 2022.03.03

Motion:

That the Governance, Communications and Engagement Committee receive an update from staff on the community engagement work programme for the Land and Water Regional Plan Freshwater Management Units, including:

- 1. The community consultation events, their conduct, and their publicity, and*
- 2. The online survey component of the consultation, including the ability to make anonymous submissions*



Cr Michael Deaker
3 March 2022