

# 1 **Regional Council – Terms of Reference**

## 1.1 **Purpose**

- Enable democratic local decision-making and action by, and on behalf of, Bay of Plenty communities.
- Promote the social, economic, environmental and cultural well-being of Bay of Plenty communities, in the present and for the future.
- Set the overarching strategic direction for Bay of Plenty Regional Council as an organisation.
- Hold ultimate responsibility for allocating financial resources across the council.

## 1.2 **Membership**

All councillors are members of the Regional Council.

## 1.3 **Role of Council**

- 1 Address Local Electoral Act matters and Local Government Rating Act matters.
- 2 Oversee all matters relating to identifying and contributing to community outcomes.
- 3 Consider and agree on matters relating to significant new activities or areas of involvement such as infrastructure which are not the responsibility of a specific committee.
- 4 Provide regional leadership on key issues that require a collaborative approach between a number of parties.
- 5 Develop, adopt and review Council's Policy on Significance and decision-making policy and processes.
- 6 Develop, adopt and implement the Triennial Agreement and the Code of Conduct.
- 7 Consider and agree on matters relating to elected members' remuneration matters.
- 8 Appoint the Chief Executive Officer, and review their contract, performance and remuneration at least annually.
- 9 Approve all delegations to the Chief Executive, including the authority for further delegation to staff.
- 10 Establish committees, subcommittees, and working parties and appoint members.
- 11 Receive and consider recommendations and matters referred to it by its committees, joint committees, subcommittees and working parties.
- 12 Approve membership to external bodies and organisations, including Council Controlled Organisations.

- 13 Develop, adopt and review policies for, and monitor the performance of, Council Controlled Organisations.
- 14 Review and approve strategic matters relating to the sale, purchase and development of property for the purposes of meeting council's organisational requirements and implement approved Regional Council Policy.
- 15 Address strategic corporate matters including property and accommodation.
- 16 Institute any proceedings in the High Court that are not injunctive proceedings.
- 17 Exercise the powers and duties conferred or imposed on council by the Public Works Act 1981.
- 18 Consider and agree on the process to develop the Ten Year Plan, Annual Plan and Annual Report.
- 19 Alter and adopt existing Council policies (for example documents delegated by statute to the Regional Council, such Regional Policy Statement, Regional Land Transport Strategy), other than Council policies determined on behalf of the Council, within delegation, by the relevant committee.
- 20 Appoint commissioners to exercise the powers, functions and duties of the Council as a consent authority under the Resource Management Act including to hear and decide a consent application.

#### 1.4 **Delegations from Council to Committees**

- Full Council has a role to monitor the functioning of all committees.
- Full Council will consider matters not within the delegation of any one Council committee.
- Full Council may at any time, revoke or modify a delegation to a Council Committee, either permanently, for a specified time or to address a specific matter, if it considers there is good reason to do so.
- The delegations provided to committees may be further delegated to subcommittees unless the power of further delegation is restricted by Council or by statute.

It is accepted in making these delegations that:

- The committees, in performing their delegated functions, powers or duties, may, without confirmation by the Council, exercise or perform them in a like manner and with the same effect as the Council itself could have exercised or performed them.
- The delegated powers given shall at all times be subject to their current policies and principles or directions, as given by the Council from time to time.
- The chairperson of each committee shall have the authority to exercise their discretion, as to whether or not the delegated authority of the committee be used where, in the opinion of the chairperson, circumstances warrant it.

## 1.5 **Powers that Cannot be Delegated**

Under Clause 32 Schedule 7 of the Local Government Act 2002, Full Council must make the following decisions:

- (a) Make a rate.
- (b) Make a bylaw.
- (c) Borrow money or purchase or dispose of assets, other than in accordance with the Ten Year Plan.
- (d) Adopt the Ten Year Plan, Annual Plan, or Annual Report.
- (e) Appoint a chief executive.
- (f) Adopt policies required to be adopted and consulted on, under the Local Government Act 2002, in association with the Ten Year Plan or developed for the purpose of the local governance statement.