

3. CANTERBURY JOINT STANDING COMMITTEE - REVISED CONSTITUTING AGREEMENT

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The purpose of this report is to seek approval to the adoption by the Council of a revised constituting agreement for the Canterbury Joint Standing Committee (CJSC) to replace the existing agreement adopted by the Council in November 1998.

BACKGROUND

The existing constituting agreement for the CJSC was signed in 1999 by all ten local authorities from Waimate District Council in the south to Kaikoura District Council in the north. It has a current emphasis on matters relating to the joint venture company (Transwaste Canterbury Ltd) and the regional landfill.

At the initial meeting, for the new Council term, of the CJSC and Canterbury Waste Subcommittee (CWSC) in November 2001, it was agreed that there was a need to redraft the constituting agreement to more clearly reflect the distinction between shareholder and non-shareholder participating Councils and the role the CWSC undertook in waste minimisation initiatives. Particular concern had been expressed by the non-shareholder participating Councils on these issues.

A working party consisting of elected representatives and staff was established following the November 2001 meeting and met on several occasions to redraft the agreement assisted by Buddle Findlay and Co, solicitors.

At the meeting of the CWSC on 11 July 2002 a revised draft for the constituting agreement was adopted by the Subcommittee which resolved:

“That the revised constituting agreement be circulated to all participating councils for consideration, adoption and execution, and that two presentations on the revised constituting agreement be made to participating Councils in late August or early September 2002.”

The new agreement more clearly separates regional waste minimisation matters from those relating to the joint venture company and is divided into two parts ‘A’ and ‘B’ to reflect the above differentiation including the different responsibilities of shareholder and non-shareholder councils.

As requested by the CWSC a copy of the revised constituting agreement is attached (Appendix A) for consideration and adoption by the Council. A table prepared by Buddle Findlay and Co to provide a cross-reference between the existing and proposed agreements is also attached, together with a copy of the existing agreement (Appendices B and C).

A presentation to staff and elected representatives from the Christchurch City Council, Hurunui, Waimakariri, Banks Peninsula, Ashburton and Selwyn District Councils was made on 30 August 2002 to explain the reasons for the revised agreement and the differences between the proposed new agreement and the existing. Some minor amendments arose from that presentation and also from comments made by Christchurch City Council and Timaru District Council staff, which have now been incorporated into the revised agreement as attached and agreed by the Canterbury Waste Subcommittee at its meeting on 2 September 2002. In addition the proposed new constituting agreement was also discussed at the 6 August 2002 meeting of the Sustainable Transport and Utilities Committee and an invitation was extended by the Chairman to all interested Councillors to attend that meeting of the Committee.

The revised constituting agreement has now been forwarded to all other nine participating Councils for formal adoption following which it would be executed under each Council’s seal. A small change to the Council’s Standing Orders is also required to allow for the new agreement as shown in the recommendation. It should be noted that all ten Councils will need to adopt the new agreement in order for it to come into effect and replace the existing constitution.

Recommendation:

1. That the revised constituting agreement for the Canterbury Joint Standing Committee as attached, be formally adopted by the Council and that the delegations within it be recorded in the Delegations Register.
2. That Standing Orders be amended as follows:

“Special voting rules for Canterbury Joint Standing Committee:

- (a) In all matters affecting all member Councils of the Committee:
 - (i) The Christchurch City Council shall be entitled to three votes, cast as a block;
 - (ii) All other member Councils shall be entitled to one vote each.
- (b) In respect of matters affecting the JV Councils (as that term is defined in the Canterbury Joint Standing Committee Constituting Agreement) only:
 - (i) The Christchurch City Council shall be entitled to 50% of the votes, cast as a block;
 - (ii) All other JV Councils shall be entitled to one vote each.”