

7. AMENDMENTS TO THE CONSTITUTING AGREEMENT OF CANTERBURY WASTE JOINT COMMITTEE



General Manager responsible:	General Manager, City Environment Group
Officer responsible:	Unit Manager, City Water and Waste
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PURPOSE OF REPORT

1. To consider and approve the amended Constituting Agreement of the Canterbury Waste Joint Committee, of which the Council is a member.

EXECUTIVE SUMMARY

2. The Canterbury Waste Joint Committee is a joint committee under the Local Government Act 2002 with delegated authority to deal with all matters relating to regional waste minimisation initiatives across the region. These regionally coordinated waste minimisation initiatives are in addition to what territorial authorities are achieving in terms of their individual waste management plans.
3. At present the following ten local authorities are members of the joint committee:
 - (a) Ashburton District Council
 - (b) Canterbury Regional Council
 - (c) Christchurch City Council
 - (d) Hurunui District Council
 - (e) Kaikoura District Council
 - (f) Mackenzie District Council
 - (g) Selwyn District Council
 - (h) Timaru District Council
 - (i) Waimakariri District Council
 - (j) Waimate District Council
4. On 14 February 2011 the Canterbury Waste Joint Committee considered a report to make some changes to its Constituting Agreement, brought about by the 2010 decision of Canterbury Regional Council to withdraw from the joint committee, seeing that solid waste minimisation is a responsibility of territorial authorities, but not a responsibility of regional councils.
5. The proposed changes have been incorporated in the attached amended Constituting Agreement (**Attachment 1**) and are explained in the paragraph below. If the agreement is approved unchanged by all member councils then it is scheduled to come into effect on 1 July 2011. If however one or more member councils propose changes to the agreement then such changes would need to be referred back to the joint committee for consideration in the first instance, and then be re-submitted to all member councils for further consideration. The Waimakariri District Council was first to approve the amended agreement at its meeting in March 2011.
6. The changes to the Constituting Agreement cover the following:
 - (a) Funding

Ecan currently contributes 25 per cent of the annual \$150,000 budget, so as from 1 July 2011 the regional waste minimisation budget would be reduced by its contribution of \$37,500. An annual budget of \$110,000 as from 1 July 2011 is proposed, and the agreement has been updated with recent population statistics, which are used to apportion the budget contribution from member TLA's.

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(b) Hazardous Waste Subcommittee

The Constituting Agreement currently provides that the Joint Committee's hazardous waste subcommittee is chaired by an Environment Canterbury representative and it has historically been jointly funded by Ecan and the territorial authorities. The attached Agreement deletes Ecan's membership. Ecan will however continue to fund its hazardous waste reduction initiatives, and fund it internally without requiring territorial authority contributions.

The proposal contained in the attached agreement is to provide for an optional, instead of obligatory, hazardous waste subcommittee and it is recommended that the joint committee incorporates hazardous waste issues directly into the committee's responsibilities, and in due course evaluate if a change to re-establish a subcommittee is required. In the past the subcommittee only met once a year.

(c) Membership and quorum

Updated to reflect the reduction in number of representatives from 13 to 11 due to Environment Canterbury withdrawing.

(d) Alternates

Over the years Timaru District Council has maintained and has provided legal advice that the provision in the current Constituting Agreement for alternates (clause 11) is ultra vires and should be deleted. This clause is in fact not required and no attendance issues have been encountered so there is no need for it anymore and it has been removed.

(e) New Clause

To provide for attendance of meetings by phone or video conference. It is recommended that the agreement be amended by adding a clause to allow phone or video attendances. Venues used for phone or video attendances will need to also be publicly notified in the usual manner, and be open to the public.

An introductory section setting out the background to the Constituting Agreement has been updated and shortened.

FINANCIAL IMPLICATIONS

7. The proposed changes have no financial impact on the Council, which will continue to contribute its share to the joint committee's budget as set out in paragraph 21 of the Constituting Agreement. The withdrawal of CRC's membership of the joint committee does however reduce its annual budget and future regional waste minimisation actions will be accommodated within the new budget limit, with no proposed increased contributions from member councils.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

8. Yes.

LEGAL CONSIDERATIONS

9. The proposed changes to the Constituting Agreement have been drafted in conjunction with the Legal Services Unit.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Not applicable.

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Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

11. No.

ALIGNMENT WITH STRATEGIES

12. The work done by the joint committee aligns with and supports the aims and objectives of the Council's Solid and Hazardous Waste Management Plan 2006.

CONSULTATION FULFILMENT

13. Consultation with all member councils occur through deliberations of the joint committee.

STAFF RECOMMENDATION

It is recommended that the Council approve the attached Constituting Agreement of the Canterbury Waste Joint Committee.