



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

Local Governance Statement 2022 - 2025

**Guide for the community
on Council processes**

OUR VISION AND MISSION

<i>Mission</i>	<i>To provide the facilities and services, the environment and leadership, plus encouragement for economic opportunities to make Napier the best city in New Zealand in which to work, raise a family and enjoy a safe and satisfying life.</i>
<i>Vision</i>	<i>A vibrant and sustainable city for all.</i>

COMMUNITY OUTCOMES

The community outcomes provide a link between Council's vision and the activities we carry out on a day-to-day basis to improve outcomes for our city.

Community Outcomes

	<i>Our water is clean and safe</i>	<i>Our services and infrastructure meet our community's needs</i>	<i>Our community is connected, safe, healthy and resilient</i>	<i>We are a city that thrives with its community</i>	<i>We treasure our culture, our heritage, our environment</i>	<i>Our community and Council are one</i>
	The water we supply will be clear and meet health standards	We plan for growth in a pro-active, managed and resilient way	Our neighbourhoods will be safe, well connected, and have good access to urban amenities	We will use our influence and resources to advocate for economic growth	We will provide and encourage arts, education and celebration of our cultural heritage	We will be customer service focussed
Strategic Goals	We will improve the quality of our stormwater, including water discharged to the Estuary	We will maintain our assets and facilities wisely in order to meet the long term performance expectations of our community	We enable the supply of affordable living solutions in our city	Our community's wellbeing and city vibrancy will be enhanced through our encouragement of sport, culture and events	We will be guided by mana whenua to uplift our knowledge of wāhi taonga, pūrākau, taiao; treasured places, stories, indigenous environment	We will actively listen, engage and communicate with our community to guide the direction of our city
	We will enhance our wastewater treatment, and improve our infrastructure to reduce wastewater overflow discharges		Our services and facilities provide for the social, cultural and recreational needs of our community		Our environment will be valued; we will increase biodiversity and restoration of areas of ecological value	Our commitment to the Treaty of Waitangi will underpin our mana whenua partnerships and the activities we undertake to improve Māori outcomes
	We will explore all practical options for removing chlorination with our community and our health experts		We will enhance our resilience to the effects of emergencies, pandemics, and climate change to ensure we can respond and recover quickly			

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1. INTRODUCTION – WHAT IS A LOCAL GOVERNANCE STATEMENT?

This Local Governance Statement provides information about the processes through which Napier City Council engages with the residents of Napier, how the Council makes decisions, and how citizens can influence these processes.

Local Governance Statements are a requirement under section 40 of the Local Government Act 2002, and must be adopted by a new Council within six months of an election. It may be updated at any point during the next three years after that to ensure that it remains accurate and up-to-date.

2. WHAT THE COUNCIL DOES

The purpose of Napier City Council is to enable democratic local decision-making, and to promote the social, economic, environmental, and cultural well-being of the Napier community now and for the future.

Functions of Council – Key Legislation

The key legislation applying to Napier City Council, and the functions that the Council undertakes as a result of this legislation, include:

Local Government Act 2002

- Planning for community needs, with general power to undertake any activities to perform its role with particular regard to:
 - network infrastructure,
 - solid waste collection and disposal,
 - the avoidance or mitigation of natural hazards, and
 - libraries, museums, reserves, recreational facilities, and other community infrastructure.
- Making and enforcing bylaws.
- Facilitating and building Māori capacity to get involved in local government decision making.

Local Government Act 1974

- Providing local roads, footpaths, cycle tracks, pedestrian malls.
- Naming local roads.
- Providing land drainage.

Local Government Official Information and Meetings Act 1987

- Management of council meetings, including how information about the timing of meetings, the topics of discussion and decisions made is provided to the public.
- Provision of official information held by council, including grounds about when information may be withheld.

Resource Management Act 1991

- Managing natural and physical resources sustainably through setting objectives, policies and rules that manage environmental effects of activities and which are incorporated into District Plans.

Local Electoral Act 2001

- Managing local authority (council) triennial elections.

Functions of Council – Other Legislation

National Legislation

Local Authorities (councils) are affected by other legislation as well. While most legislation impacts on the activities of a council to some degree, some Acts are of direct relevance to how council undertakes its functions, responsibilities and activities.

Local Legislation

Napier City Council is also affected by some local legislation.

Local legislation comprises Acts of Parliament that have come about through a Bill promoted by a particular council, and which affects a particular locality only. Some of this legislation is now of limited relevance; however, all of these enactments remain in force and confer various powers and responsibilities on Napier City Council either directly or as successor to the former Napier Borough Council, the Hawke's Bay County Council or the Hawke's Harbour Board.

A list of the national and local legislation for Napier City Council can be found at [Appendix One](#).

Activities

In order to perform its functions, Napier City Council undertakes many different activities. Information is provided about these activities in Council's plans and reports, such as the Long Term Plan, the Annual Plan and the Annual Report, which include associated financial information and key projects.

More detailed descriptions of these documents are outlined in Section 12 of this Local Governance Statement, along with the weblinks to the current documents.

The activities of Napier City Council are:

- Democracy and governance
- Transportation
- Stormwater, wastewater and water supply
- Other infrastructure
- City Strategy
- Community and visitor experiences
- Property assets

3. BYLAWS

What are Bylaws?

Bylaws are rules that a Local Authority (council) has the power to make. They apply:

- to local issues that existing Acts of Parliament and Regulations do not cover,
- within the boundaries of the Local Authority,

and there are a range of options available to the Local Authority to enforce them.

A council may make bylaws to protect the public from nuisance, to protect, promote and maintain public health and safety, and to minimise potential for offensive behaviour in public places. If a bylaw is broken, a fine or prosecution may be incurred.

Bylaws are available on Council's website <https://www.napier.govt.nz/our-council/policies-and-bylaws/bylaws/>

The Local Government Act 2002 requires bylaws to be reviewed within 5 years of the date on which they are first made, with all further reviews carried out within 10 years¹.

Napier City Council Bylaws

Bylaw	First Adopted	Reviewed	Next Review
Introductory Bylaw 2021 Identifies and clearly interprets the terms and expressions that are used throughout Napier City Council Bylaws. Outlines the serving of orders and notices, powers of delegation and entry, suspension and revocation of licences, removal of works, fees and charges, offences and penalties for breach of bylaws.	2008	2021	2026
Animal Control Bylaw 2021 Controls the keeping of animals, poultry, bees and reptiles on private property and trapping activities in public and private places. Sets minimum necessary requirements on owners for maintaining the principles of animal welfare and for the protection of residents and the local community from potential nuisance, excess noise, and health hazard.	2008	2021	2031

¹ Local Government Act 2002, sections 158-159

Bylaw	First Adopted	Reviewed	Next Review
<p>Cemeteries Bylaw 2021</p> <p>Controls activities within cemeteries to ensure acceptable standards of operation, and to ensure that convenience, safety, visual amenity and civic values are maintained for the wellbeing of residents, monumentalists, and funeral services.</p>	2008	2021	2031
<p>Dog Control Bylaw 2022</p> <p>Enhances the safety of the public and children by minimising the distress, nuisance and intimidation caused by dogs to the community, avoiding the inherent danger of uncontrolled dogs in public places and to provide dogs and their owners with the ability to satisfy their recreational needs.</p>	2004	2022	2032
<p>Fire Control Bylaw 2021</p> <p>Controls burning in the open air in the district and prevents smoke from fires in the open causing a nuisance. Control and prevent the spreading of fires in the district.</p>	2008	2021	2031
<p>Freedom Camping Bylaw 2017</p> <p>The purpose of this Bylaw is to control freedom camping in the district in order to protect the area, protect the health and safety of people who may visit the area, and to protect access to the area.</p>	2014	2017	2027
<p>Integrated Trade Waste and Wastewater Bylaw 2022</p> <p>The Bylaw applies to those areas of the District which are serviced by the Public Wastewater System. It provides for the collection, treatment and discharge of Wastewater, including Domestic Wastewater and Trade Waste.</p>	2022		2027
<p>Mobile Sign Bylaw 2020</p> <p>The purpose of this Bylaw is to ensure that vehicle and trailer advertising signs are erected, maintained, positioned and displayed in such a manner that they do not present a hazard or a danger to public safety. The Bylaw also seeks to maintain aesthetic standards.</p>	2013	2020	2030

Bylaw	First Adopted	Reviewed	Next Review
<p>Parking Control Bylaw 2021</p> <p>Controls parking activities, and addresses parking issues which may have an adverse effect on other users of public places.</p>	2008	2021	2031
<p>Parks & Reserves Bylaw 2021</p> <p>Controls a diverse range of activities, and addresses behaviour in public facilities such as parks, reserves and beaches.</p>	2008	2021	2031
<p>Public Places Bylaw 2021</p> <p>Ensures that acceptable standards of convenience, safety, visual amenity, and civic values are maintained within the district. Addresses damage to public places such as roads, grass verges, garden areas and reserves and activities within public places and reserves which may have an adverse effect on other users of these facilities.</p>	2008	2021	2031
<p>Public Places Liquor Control Bylaw 2021</p> <p>Enhance safety and the public enjoyment of public places in a responsible manner, particularly within the central city, by providing for liquor control in specified public areas in order to reduce the incidence of alcohol related offences, particularly those of a violent and/or destructive nature.</p>	2004	2021	2031
<p>Solid Waste Bylaw 2012</p> <p>Regulates waste management, including the collection, transportation and disposal of waste. Aims to support waste minimisation and reduction, and assist in the implementation of Council's Solid Waste Management Plan and the New Zealand Waste Strategy, to ensure effective and efficient waste management and to impose performance standards for waste handling.</p>	2008	2012	2022
<p>Speed Limits Bylaw 2022</p> <p>To set speed limits for roads in the urban traffic areas.</p>	2005	2022	2032

Bylaw	First Adopted	Reviewed	Next Review
<p>Stormwater Bylaw 2020 Prevents the misuse of Council’s public stormwater network by controlling the discharge of contaminants into the network, requiring the use of the network for the discharge of stormwater only and to protect the network from damage or alteration.</p>	2020		2025
<p>Tattooists and Skin Piercers Bylaw 2021 Prevents the transference of communicable diseases, and the development of wound infections, by skin piercing practices. Requires that premises at which skin piercing is practiced are registered, and provides constructional and operational standards to be complied with in accordance with the registration process.</p>	2008	2021	2031
<p>Trading in Public Places Bylaw 2021 Regulates the conduct of persons selling goods on streets, roads, footpaths and other public places, or using vehicles to sell goods and services to the general public. Prescribes fees where required.</p>	2008	2021	2031
<p>Water Supply Bylaw 2022 Provides protection for Council’s water supplies and infrastructure. Defines the water supply areas and sets out conditions of supply.</p>	2008	2022	2032

4. ELECTORAL SYSTEMS AND OPPORTUNITY TO CHANGE THEM

When is the next election?

Local Government elections are run every three years on the second Saturday of October. The most recent election was 8 October 2022, and the next will be in October 2025.

What is an 'electoral system'?

An "electoral system" describes the system used for voting at Local Authority elections. The Local Electoral Act 2001 provides for two types of electoral systems, First Past the Post and Single Transferable Vote.

First past the Post (FPP)

Under this system, each voter may cast one vote for a vacant position. Those candidates with the most votes are elected.

Single Transferable Vote (STV)

Under this system, voters rank candidates in order of their preference.

All voters' first preferences are counted and any candidates whose votes exceed an amount (called the "quota") is elected.

If not all positions are filled, the surplus votes for successful candidates are redistributed among the other candidates according to voters' preferences.

If the positions are not filled by redistributing surplus votes, the candidate with the fewest votes is excluded and that candidate's votes are then distributed among the remaining candidates according to voters' preferences. This process of redistributing votes continues until all positions are filled.

More detailed information on STV system is available on the website <http://www.stv.govt.nz/stv>

Changing the Electoral System

Napier City Council currently uses First Past the Post as its electoral system.

The option of STV was introduced in the early 2000's for potential use in the 2004 elections. In 2003, a valid demand from at least 5% of the voters in Napier City was made to consider which electoral system would be used in 2004 (STV or FPP) and a poll was undertaken later that year. The results of the poll was to retain FPP. Council has since resolved to continue with the FPP system each election.

Any changes to the electoral system must apply for two elections. On 30 August 2017 Council decided to retain the First Past the Post system for the 2019 and 2022 elections.

The electoral system to be used for future elections could be changed by the following methods:

- Council resolution
- Council holding a poll on whether there should be a change of electoral system (as long as this is decided on before 21 February in the year prior to an election year)
- Voters demanding a poll

At any time, the voting public of Napier City may demand a poll on whether or not there should be a change of electoral system, as long as 5% of the electors clearly indicate that they want this.

To take effect for the 2025 and 2028 elections, a valid demand would need to have been received before 21 February 2023 and the ensuing poll undertaken before 21 May 2023. For any demand received after 21 February 2023 the poll will be held after 21 May 2023, and the results applicable to the 2028 and 2031 elections.

If you want to find out more on how to demand a poll, please see the Local Electoral Act 2001, Part 2, sections 29-30.

If you would like to find out more about the matters discussed above, please contact the Governance Team at governance@napier.govt.nz

5. REPRESENTATION ARRANGEMENTS

What are 'representation arrangements'?

Representation arrangements are the way representation of the public is configured for elections for a Local Authority such as Napier City Council, including:

1. The number of members that are elected to the governing body of Napier City Council (the legal requirement is no less than six and no more than 30 members, including the Mayor),
2. Whether the election of members other than the Mayor (also known as councillors) is by the entire electoral district (called 'at large'), or whether the district is divided into wards for electoral purposes, or whether there will be a mix of 'at large' and ward representation,
3. The boundaries of wards, the names of the wards, and the number of members that will represent each ward, if wards are used,
4. Whether to have Māori wards for electors on the Māori roll, and
5. Whether to have community boards, and if so, how many, and what their boundaries and membership will look like.

Local Authorities must review their representation arrangements at least every six years. Napier City Council completed a representation review in 2018; more information on the review can be found below.

Current Napier City Council representation structure

Currently Napier City Council has one Mayor and twelve elected members (councillors).

Following Napier City Council's review of its representation in late 2017/ 2018, the final proposal of Council was confirmed by determination of the Local Government Commission in January 2019. In line with the Council's proposal, the election of councillors was restructured as ward-only for the 2019 elections.

The allocation of councillors is as follows:

Ahuriri Ward	2 councillors
Onekawa Ward	2 councillors
Nelson Park Ward	4 councillors
Taradale Ward	4 councillors

The Mayor will continue to be elected by the city as a whole.

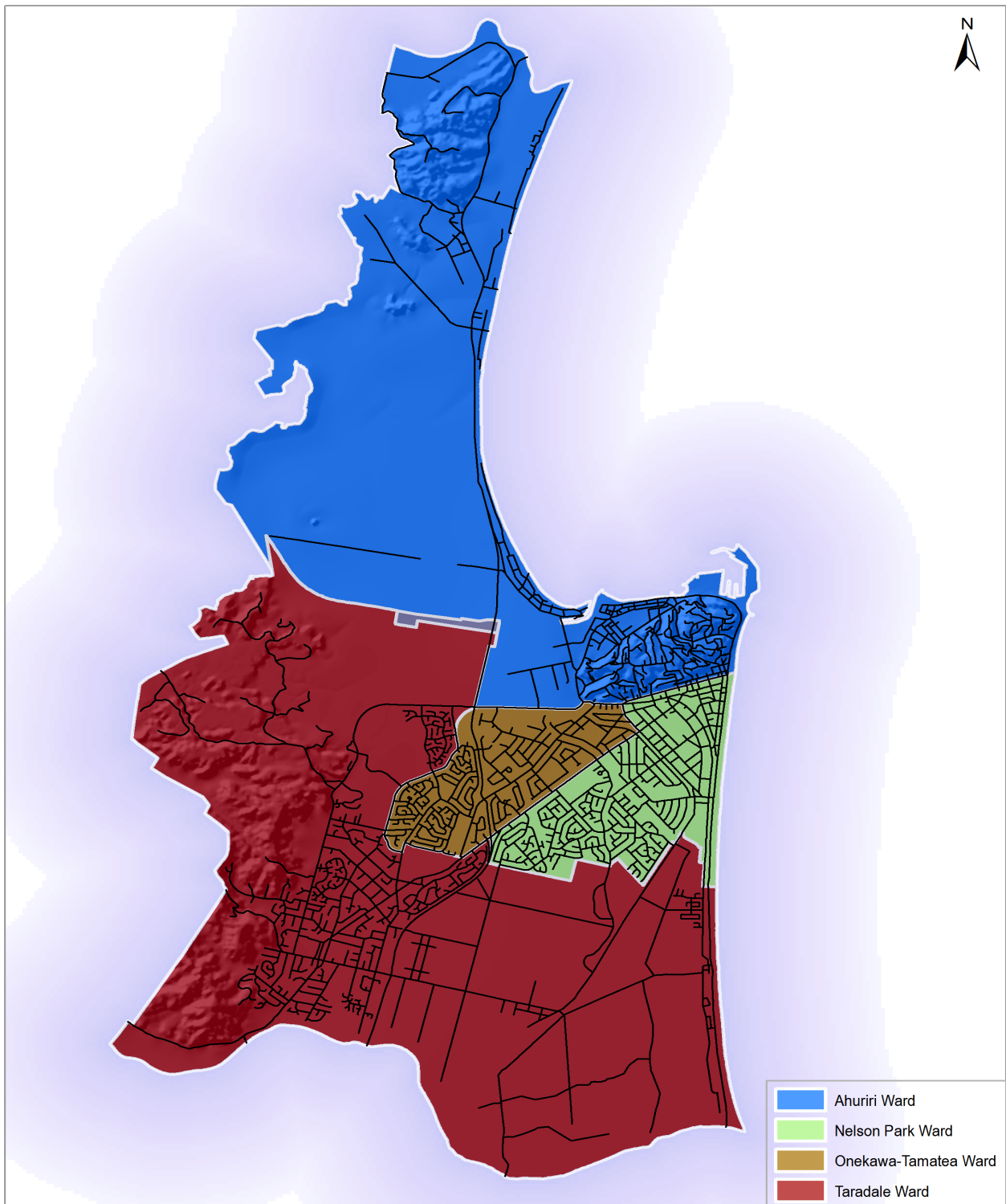
Napier does not currently have Māori wards or community boards.

There was no change to the ward boundaries from previous elections.

On 20 October 2021, Napier City Council resolved to establish Māori wards in time for the 2025 elections.

Map of Napier City Council wards

Napier City's current ward boundaries are shown here:



Meet your Council



Kirsten Wise

Mayor

Mayor



Annette Brosnan

Deputy Mayor

Onekawa-Tamatea Ward



Hayley Browne

Councillor

Ahuriri Ward



Keith Price

Councillor

Ahuriri Ward



Maxine Boag

Councillor

Nelson Park Ward



Sally Crown

Councillor

Nelson Park Ward



Juliet Greig

Councillor

Nelson Park Ward



Greg (Grego) Mawson

Councillor

Nelson Park Ward



Richard McGrath

Councillor

Onekawa-Tamatea Ward



Ronda Chrystal

Councillor

Taradale Ward



Nigel Simpson

Councillor

Taradale Ward



Chad Tareha

Councillor

Taradale Ward



Graeme Taylor

Councillor

Taradale Ward

You can find more information on the Mayor and Councillors and how to contact them on our website <https://www.napier.govt.nz/our-council/mayor-and-councillors/>

Review of representation arrangements

Recent History

Year	Actions
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2006 Napier City Council reviewed its representation arrangements at its meeting on 21 June 2006 and proposed that:

- members would be elected by the district as a whole rather than wards,
- there be 10 members (excluding the Mayor), and
- there be no community boards.

Public submissions received on this decision mostly supported a ward system.

Council met again on 6 September 2006 and decided that:

- members would still be elected by the district as a whole rather than ward on the basis that:
 - the 2005 National Research Bureau (NRB) survey indicated a 70% preference for 'at large' versus 28% for wards,
 - it was believed that Napier had many of the characteristics of 'one community of interest', for which election at large is most suitable, and
 - a ward system was not seen to provide fairer or more effective representation.
- there be 12 members (excluding the Mayor), on the basis that:
 - the 2005 NRB survey indicated a 59% preference for 12 (status quo at the time), a 3% preference for more and only a 31% preference for less,
 - public submissions received also mainly supported retaining the current level of representation, and
 - 12 members provides a wider range of viewpoints than 10 would.

The final proposal made in September 2006 was appealed by members of the public to the Local Government Commission, which makes the final decision on representation arrangements.

On 10 April 2007, the Commission decided that there would be 12 councillors and a Mayor. Of these, six councillors would be elected 'at large' and six would be elected from four wards – Ahuriri, Onekawa-Tamatea, Nelson Park, Taradale.

Year	Actions
2012	<p data-bbox="323 331 1359 526">Napier City Council reviewed its representation arrangements. Council decided in June 2012 to retain the arrangements adopted in 2007. This was due partly to the postponement of the 2011 Census which meant that no updated census information was available. The Census was eventually held in 2013.</p> <p data-bbox="323 573 1359 645">These same representation arrangements were also used for the 2013 and 2016 triennial elections.</p>
2017-2018	<p data-bbox="323 696 1359 851">Napier City Council reviewed its representation arrangements in a process involving significant levels of engagement with the community, the most in-depth analysis of current and historic data to that point and consideration of a variety of options by the Council.</p> <p data-bbox="323 857 1359 1093">Based on the analysis, it was advised that a ward-only system may be most effective for Napier for a number of reasons. Following Council debate and ensuing initial proposal to maintain the status quo (specifically to continue with the mixed at large/ ward Councillor arrangement), the highest number of submissions on a representation review were received with a strong majority in favour of moving to a ward-only structure.</p> <p data-bbox="323 1140 1359 1373">In late 2018, as per the review process, Council considered all submissions, and made the decision to alter its final proposal to a ward-only system. Two public objections were received to the final proposal, meaning the final proposal and all associated information was required to be considered by the Local Government Commission who adjudicates and makes a final determination in these instances.</p>
Jan 2019	<p data-bbox="323 1424 1359 1536">The Local Government Commission ratified Council's final proposal to move to election of councillors by ward only, for the 2019 local government election. This determination was also in place for the 2022 election.</p>
Oct 2021	<p data-bbox="323 1547 1359 1659">Napier City Council reviewed its representation arrangements in regards to establishing Māori Ward seats for the 2025 elections. The process involved significant levels of engagement with the community.</p> <p data-bbox="323 1666 1359 1814">Based on analysis of public submissions it was advised that Māori Ward seats should be part of Napier City Council's representation structure. Council considered all submissions, and following debate, resolved to establish Māori Ward seats in 2025.</p>

Resident Surveys

Year and Survey	Votes for 'at large'	Votes for wards	Votes for a mix	Councillor number
1995 Referendum	60%	35%		
2005 NRB Survey	70%	28%		Status quo (12 members) – 59% in support Reduction (7-10 members) – 31% in support
2006 Survey undertaken just prior to the Local Government Commission decision	70%	28%		
2009 NRB survey	28%	20%	44%	
August 2011 NRB survey	25%	21%	52%	Status quo (12 members) – 62% in support Reduction (7-10 members) – 31% in support
November 2017 Survey	12%	27%	41%	

Matters to take into account

Napier City Council must undertake a representation review at least every six years, following the procedure set out in the Local Electoral Act 2001 and guidelines published by the Local Government Commission.

In carrying out a representation review, a Local Authority should be guided by the principle of fair and effective representation for individuals and communities.

Fair representation relates to the number of persons represented per member.

The ratio of persons per member in each ward or constituency is required to be within +/-10% of the ratio for the district or region as a whole. This is designed to ensure approximate equality in representation i.e. votes of equal value.

Effective representation relates to representation for identified communities of interest. This needs to take account of the nature and locality of those communities of interest and the size, nature and diversity of the district as a whole.

2018 Review

Napier completed a representation review in 2018, following an 18 month comprehensive process of community engagement and analysis of historical data. The final proposal of Council was reached in late 2018:

1. That the Council continue to comprise a Mayor and 12 Councillors
2. That the election of Councillors move to a fully ward-only system
3. That the existing ward boundaries be maintained
4. That Māori wards and community boards not be established

As two public objections were received to the final proposal, the proposal and all supporting documentation were provided to the Local Government Commission on 8 August 2018. On 18 January 2019 the Commission ratified the final proposal of Council. Council received the determination by resolution on 5 March 2019 and the new representation arrangements applied to the 2019 election.

These representation arrangements were also in place for the 2022 election.

The timetable of key dates in the process followed were as follows:

Action	Dates
Obtained the most up to date population estimates and identified a late 2017 – April 2018 range of possible representation models. Preliminary consultation with the public on options was conducted.	
Resolution setting out Council’s initial proposal on the representation arrangements applicable for 2019 triennial elections. Initial proposal was to retain the status quo – a mixed ward system of 12 councillors and Mayor with no change to ward boundaries, no community boards, and no Māori wards.	<i>Finance Committee recommendation</i> 20 March 2018, Council resolution 9 April 2018

Notice of Council's initial proposal to the public (providing at least one month for submissions). 10 April 2018

Submissions considered, original proposal amended by resolution, and notified the public of its final proposal. Hearing and deliberations at Council 26 June 2018

Council's final proposal was to move to a ward only system of 12 councillors and Mayor, to retain the same ward boundaries, no community boards and no Māori wards.

As there was a change between the initial and final proposals, appeals from those who submitted on the original proposal and any fresh objections to the amendment were sought for the four weeks following the 26 June 2018. Two objections were received. Council received objections 7 August 2018

Appeals and objections are forwarded to Local Government Commission, accompanied by all documentation produced during the review process for consideration and determination. 8 August 2018

Determination of the Local Government Commission (due by 11 April 2019). 18 January 2019

Determination received by Council
Strategy and Infrastructure Committee recommendation 19 February 2019, Council resolution 5 March 2019

Reorganisation proposals

Local government reorganisation means changes to the structure of local authorities, including:

1. changes to boundaries,
2. the creation of a new Council,
3. the union of Councils,
4. the abolition of a Council, or
5. the transfer of functions and duties from one Council to another.

Schedule 3 of the Local Government Act 2002 sets out procedures which must be followed for local government reorganisation proposals. The Local Government Commission has also published a useful guide to understanding the process of reorganisation proposals <http://www.lgc.govt.nz/the-reorganisation-process/>.

Process for affecting change

1. A proposal for reorganisation with the Local Government Commission².
2. The Commission consults with affected local authorities, then decides whether to undertake a reorganisation investigation and notifies the parties of that decision.
3. If the Commission decides to undertake a reorganisation investigation, the Commission adopts and publishes a process for the investigation. During the investigation, the Commission may require a local authority to provide information, may consult any relevant parties, and may issue a report.
4. When preparing or after completing a reorganisation investigation, the Commission may develop and adopt a reorganisation plan, which it must publicly notify. A reorganisation plan must include information about the proposed changes.
5. A local authority may also develop and adopt a reorganisation plan, and submit it to the Commission for approval.
6. A poll of electors must be held on a reorganisation plan that provides for a major transfer of responsibilities, duties or powers. The reorganisation plan only proceeds if more than 50% of valid votes support the plan. If the plan is supported, the Commission prepares a reorganisation implementation scheme.

Napier City Council's recent history

1. On 15 September 2015, a poll was held to decide whether the Hawke's Bay Councils should amalgamate into one unitary Council for the region.
2. A majority of 66.18% of voters rejected the amalgamation proposal (33.55% voted for the proposal).
3. Within Napier City, 87.68% voted against amalgamation.

Scoping work for possible changes to the ward boundaries of Napier City Council was initiated in 2018 through an independent review. Early discussions with the relevant councils and mana whenua will be undertaken prior to any further analysis of options and community engagement.

Māori Wards

The Local Government Act 2002 gives Council the ability to establish separate wards for Māori voters. The establishment of Māori wards can be achieved through a Council resolution.

On 20 October 2021, Napier City Council resolved to establish Māori wards in time for the 2025 elections.

When Māori ward(s) are implemented the number of members to be elected would be determined according to the number of voters in the district who are registered on the Māori parliamentary roll in relation to the number of voters in the district who are registered on the General Parliamentary roll.

² Local Government Act 2002, Schedule 3, clause 3

6. ROLES AND CONDUCT OF ELECTED MEMBERS

Role of the governing body of Napier City Council

The elected members (Mayor and councillors) of Napier City Council have the following roles:

- setting the policy direction of Council
- monitoring the performance of Council
- representing the interests of Napier City as a whole (upon election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the city)
- employing the Chief Executive (under the Local Government Act 2002, the Local Authority employs the Chief Executive, who in turn employs all other staff on its behalf).

Mayor of Napier City

The Mayor is elected by Napier as a whole (“at large”), and as one of the elected members shares the same general responsibilities as other members of the governing body of Council. The Local Government Act 2002 clarifies the role of the Mayor and gives the holder of that position certain specific powers.

The role of the Mayor is to provide leadership to the other members of the governing body of Council, and the people in Napier. Further, it is the Mayor’s role to lead the development of Napier City Council’s plans, policies, and budgets for consideration by the members of the governing body. To be able to do these things, the Mayor has the following powers:

- to appoint the Deputy Mayor
- to establish committees of the governing body of Council
- to appoint the Chair of the committees established, including appointing themselves to that position if they wish

The Mayor also has the following roles:

- to chair meetings of the governing body of Council. The Mayor is responsible for ensuring the orderly conduct of business in accordance with Napier City Council’s standing orders (more about standing orders can be found in Section 8 below)
- to participate as a member of each committee established under the governing body
- to advocate on behalf of the community at local and national levels
- to represent Napier City Council at official functions
- to ensure that elected members properly perform their function and duties

Deputy Mayor

The Deputy Mayor may be appointed by the Mayor or is otherwise elected by the members of the governing body of Council at its first meeting following the triennial election (called the triennial meeting).

The Deputy Mayor exercises the same roles as other elected members.

In addition, if the Mayor is absent or incapacitated, or if the office of Mayor is vacant, then the Deputy Mayor must perform all of the Mayor's responsibilities and duties, and may exercise the powers of the Mayor.

Committee Chairs

A Committee Chair presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by the governing body and as set out in Council's terms of reference for the committee (see [Appendix Two](#)). A Committee Chair may have to act as an official spokesperson on a particular issue relevant to that committee.

Deputy Committee Chairs

If the Chair is absent or incapacitated, or the office of Chair is vacant, then the Deputy Chair must perform all of the responsibilities and duties, and may exercise the powers of the Chair.

Napier City Councillor Portfolio Holder Role Description

Primary Purpose and Responsibilities	<ul style="list-style-type: none">• Ensure progress is made towards the council's strategic priorities and projects within their portfolio responsibilities• Enhance relationships with key stakeholders and the Napier community• Collaborate with committee chairs and other portfolio leaders where objectives are shared• Work effectively with relevant Executive Directors and council officers• As far as possible, attend council launches of new activities and projects in their area of responsibility• As far as possible, attend events coordinated by key stakeholders in their area of responsibility• Keep the Mayor and Chief Executive informed on key focus areas within the portfolio's scope, and of emerging issues requiring further consideration by Council• Regularly reviews Council's performance against its plans and priorities
Functional Relationships	<ul style="list-style-type: none">• The Mayor• Other Napier City Councillors• Appointed Committee members (e.g. Ngā Mānukanuka o te Iwi (Māori Committee) and Audit and Risk Committees)• Chief Executive and Executive Leadership Team• Community groups• Mana / tāngata whenua• Napier residents

Other Relationships	<ul style="list-style-type: none"> • Napier City Council staff • Councillors and staff from other councils, regionally, nationally and internationally
Political acumen and leadership	<ul style="list-style-type: none"> • Understands the political environment as well as the respective roles of the governing body and management • Provide leadership in progressing the higher priorities that fall within the portfolio
Ethics, integrity and values	<ul style="list-style-type: none"> • Understands and upholds the code of conduct and relevant policies that guide appropriate behaviour for elected members • Works respectfully with council staff and others, and values their roles • Maintains trust, keeping confidences and respecting the confidentiality of information provided

Role of the Chief Executive

The Chief Executive is appointed by the governing body of Council in accordance with section 42, and clauses 33 and 34 of Schedule 7, of the Local Government Act 2002. The Chief Executive implements and manages Council's policies and objectives within the budget constraints established by Council.

Under section 42 of the Local Government Act 2002, the responsibilities of the Chief Executive are:

- implementing the decisions of Council
- providing advice to Council and community boards (where community boards exist)
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of Council effectively and efficiently, including facilitating and fostering representative and elector participation in elections and polls under the Local Electoral Act 2001
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of Council
- employing staff (including negotiation of the terms of employment for the staff) in accordance with any remuneration and employment policy adopted by the governing body
- providing leadership for the staff of Council

The governing body of Council has a duty as the Chief Executive's employer to maintain its obligations under the Employment Relations Act 2000. It agrees objectives with the Chief Executive and monitors performance against these annually. A committee may be established for this purpose, reporting back to Council on recommended terms and conditions of employment.

Code of Conduct

Each Local Authority must adopt a Code of Conduct, which all councillors must follow³. The Code sets out Council's understanding and expectations of how the Mayor and councillors will relate to one another, to staff, to the media and to the general public. It also covers disclosure of information that is received by, or is in the possession of elected members.

All elected members are required to maintain a clear separation between personal interests and their duties. They are required to routinely declare any conflicts of interests whether real or perceived. Declarations are recorded in a public Register of Interests maintained by Council.

The Code contains details of the sanctions that Council may impose if an individual member breaches the requirements, as well as a clear process for the investigation of any complaints by an independent investigator.

Napier City Council adopted a new Code of Conduct on 15 December 2022, based on the Local Government New Zealand model standard.

Once adopted, a Code may only be amended by a majority vote of the governing body where at least 75% support the change.

The Code of Conduct can be found at <https://www.napier.govt.nz/assets/Documents/Governance-2022-2025/Elected-Members-Code-of-Conduct-Jan-2023.pdf>

Legislation relevant to conduct

Elected Members have specific obligations as to their conduct in the following legislation:

Act	Rules
Local Government Act 2002	<p>The Act includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current Code of Conduct and Standing Orders.</p> <p>Under section 46(1), councillors can be held liable for losses resulting from negligence or unlawful action by Council (reported by the Auditor-General under section 44 of the Act).</p> <p>Under Schedule 7 clause 1, an elected member (the Mayor, a councillor, or a community board member (where community boards exist) will be disqualified if</p> <ul style="list-style-type: none">• they cease to be an elector or• become disqualified for registration as an elector under the Electoral Act 1993 or• are convicted of an offence punishable by a term of imprisonment of two years or more.

³ Local Government Act 2002, Schedule 7, Clause 15

Their position will also become vacant if they are absent without leave from Council or community board for four or more consecutive meetings⁴.

Members must declare a variety of types of interests under this Act, including funding sources for international travel and gifts received.

The obligations of this Act are extra to and do not replace those under the Local Authorities (Members' Interests) Act 1968.

A register of interests must be held, and a summary of the register (to balance transparency and privacy) made publicly available.

Council has appointed a Registrar as required by the Act; this is the Deputy Chief Executive / Executive Director Corporate Services.

Local Government
Official Information
and Meetings Act
1987

This Act requires Agencies (including local authorities) to maintain transparency and availability in relation to the information they hold, and to promote the open and public transaction of business at meetings, in order to enable better participation by the public in the actions and decisions made, and to increase accountability.

There are provisions within the Act to protect official information and business deliberations in some instances where making them public at that time would negatively affect the public interest or personal privacy.

The Office of the Ombudsman acts as the advisory and adjudicating body in relation to queries or complaints under this Act.

More information on Council's official information request processes can be found below.

Privacy Act 2020

The Privacy Act 2020 outlines Principles that must be followed by any Agency (and by association any representative of that Agency) in relation to personal information.

These Principles guide the purpose, source and manner of collecting personal information, the storage and protection of personal information including length of storage, the expectations in relation to accuracy of and corrections to information held, and the limits on use and any disclosure of personal information.

⁴ Local Government Act 2002, schedule 7, clause 5

The Act also provides for complaints to be made to the Privacy Commissioner and outlines how these will be addressed, should someone feel these Principles have been breached.

As representatives of Council as an Agency, members must abide by the expectations of the Act in relation to any personal information they are privy to.

Council has appointed Privacy Officers as required under section 201 of the Act.

Local Authorities
(Members' Interest)
Act 1968

This Act outlines that an elected member and their spouse/ partner cannot hold or have an interest in contracts with Council with a value of \$25,000 or more per year, with some caveats.

An elected member may not discuss or vote on any matter in which they or their spouse/partner have a financial interest, with some caveats.

Penalties include fines and or automatic disqualification from office

Secret Commissions
Act 1910

This Act prohibits elected members from accepting gifts or rewards that could be seen to sway them to perform their duties in a particular way.

Crimes Act 1961

This Act prohibits all acts related to bribery and use of official information for private profit.

Financial Markets
Conduct Act 2013

This Act places elected members in the same position as company Directors whenever Council offers financial products (such as an issue of debt or equity securities).

Elected members could be personally liable if documents that are registered under the Act (such as a product disclosure statement) contain false or misleading statements, and or requirements of the Act are not met in relation to offers of financial products.

7. GOVERNANCE STRUCTURE, MEMBERSHIP AND DELEGATIONS

Council Committee Structure

Detailed information on Napier City Council's committees, sub-committees, advisory panels, joint committees and participation in external bodies can be found in our Governance Structure at [Appendix Two](#).

The definition of a Committee includes:

- a) A committee comprising all the members of the Council;
- b) A standing committee or special committee appointed by the Council;
- c) A standing committee or special committee appointed by the Mayor;
- d) A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002;
- e) Any subcommittee of a committee described in items (a) (b), (c) or (d) above.

Quorum

The terms of reference for each committee contain the quorum required. Generally (unless otherwise specified) a quorum is the presence of half of the members if the number of members is even, and a majority of members if the number of members is odd.

External, appointed members are included in calculating the quorum and are counted towards the quorum when present. This reflects the expectation that appointed members will attend those committees to which they are appointed.

8. MEETING PROCESSES

Giving notice to members

Ordinary meetings

For ordinary meetings, at least 14 days' notice of the time and place of the meeting must be given to the members of the meeting, or given in accordance with an adopted meeting schedule. Notification of a schedule is notification of all meetings in the schedule.

Extraordinary meetings

Extraordinary meetings (meaning meetings for which notice as required for ordinary meetings cannot be given) can be called with three working days' notice, or a shorter period in exceptional circumstances, but no less than 24 hours' notice.

Giving notice to the public⁵

Ordinary meetings

Public notice of all scheduled meetings in a month must be given at least five days and not more than 14 days prior to the end of the preceding month.

Alternatively, if a meeting is to be held after the 21st of the month, it can be notified not more than 10 working days nor less than five working days prior to the meeting.

Extraordinary meetings

Extraordinary meetings must be publicly notified as soon as practicable before the meeting is held. If this cannot be done, such a meeting must be notified as soon as is reasonable in the circumstances. The general nature of business to be conducted at the meeting must be included in the notice.

Where to view public notices

Napier City Council places public notices in the Napier Courier newspaper, and may also use the Hawke's Bay Today paper for extraordinary meetings where required. Information about the schedule of meetings is also placed on the Council's website.

If a meeting is notified and later cancelled, a cancellation notice will also be placed.

⁵ Local Government Official Information and Meetings Act (LGOIMA) s46

Agendas and minutes

Pre-Agendas

A draft agenda is presented to the Chair and Deputy Chair for the following purpose (Standing Order 9.1, preparation of the agenda):

- The Chair/Deputy Chair have an opportunity to ask questions of Management to gain a better understanding of reports and any issues that may arise in the meeting on particular reports. This ensures the smooth running of an upcoming meeting.
- There is also an opportunity for Chair/Deputy Chair and Management to discuss the work programme for the Committee.
- The Chair can put in a Chair's recommendation on a report, and outline the reason why it is different from what the Officers have recommended (this can also be done outside of a pre-agenda, and even at a meeting – Standing Order 9.5)

Agendas

Issues that need to be brought to the attention of elected members are contained in reports from Napier City Council staff that are collated into agendas.

The Chair of a meeting may also bring an issue to the attention of a meeting by way of a report.

As outlined in section 42(2) of the Local Government Act 2002, as it is a management function to provide advice to Elected Members the Chief Executive sets the agenda of a meeting. The Governance function is to make decisions. Although the Public Service Commission does not cover local authorities, the principles enshrined in the Public Service Act 2020 on free and frank advice provide best practice on this matter in a New Zealand context; that Management are to provide best professional advice to politicians without fear or favour. Ministers, or in the case of local authorities, Elected Members, have a duty to give fair consideration and due weight to this advice.

Free and frank advice has two purposes:

1. Improving decision making by giving advice based on an impartial assessment of the risks and benefits of a range of policy options
2. Improving public confidence that Elected Members have received such advice.

Minutes

Minutes are a record of proceedings of a meeting and are required to be kept. They are evidence of the proceedings of a meeting once they are authenticated by being formally confirmed at a following meeting⁶.

The minutes of Napier City Council meetings record the members present and absent, members arrival and departure times (where required), apologies, declarations of conflicts of interest, movers and seconders of motions and amendments, resolutions passed, and names of presenters where relevant. They are not a verbatim record of discussion.

⁶ Local Government Act 2002, schedule 7, clause 28

Napier City Council and Standing Committee meetings are livestreamed and can be viewed during the meeting time via Council's Facebook page. They can also be viewed after the meeting at <https://www.youtube.com/playlist?list=PL7kpAHictPi584UwZwOj0Z6NuPsf3Mgto>

Public access to agendas and minutes

Agendas⁷

Agendas for ordinary meetings are required by law to be publicly available at least two working days prior to a meeting.

An agenda for an extraordinary meeting will be made available to the public as soon as is reasonable in the circumstances.

Any member of the public may inspect any open agenda and associated reports circulated to elected members. Members of the public may take notes or request a copy of the agenda or report.

The Chief Executive may exclude reports or items from reports from the public section of any meeting, if there are relevant grounds to do so under the Local Government Official Information and Meetings Act 1987. The title of an item to be discussed with the public excluded, and reasons for exclusion under the Act will be indicated on each agenda if relevant.

The requirements for public notice of meetings and public availability of agendas mean that a meeting cannot deal with a matter that is not on the published agenda unless the process in the Local Government Official Information and Meetings Act 1987 is followed. This involves the Chair explaining to the meeting during the public section why the matter was not on the published agenda and why it cannot be deferred to a subsequent meeting. The meeting must pass a resolution approving that the additional item be discussed. However, no resolution, decision or recommendation can be made on the matter itself except to refer it to a later meeting for further discussion.

Minutes⁸

The public are entitled to view the final minutes of a meeting at the main Napier City Council offices. However members of the public are encouraged to use Council's website. The website is a comprehensive repository of all formal Council meetings <http://napier.infocouncil.biz/>

A request for the minutes of a part of a meeting from which the public were excluded is treated as a request for official information.

Public attendance at meetings

Right to attend⁹

The Local Government Official Information and Meetings Act 1987 requires meetings to be open to the public. The underlying principle is that whenever the governing body of Council exercises the

⁷ LGOIMA section 46A

⁸ LGOIMA section 51

⁹ LGOIMA section 47

functions and powers given to it by Parliament under legislation, this should be transparent and open to the public to observe.

Currently the open agenda sections of all standing committee and Council meetings are livestreamed via Council's Facebook page, and the video record stored on Council's You Tube Channel, providing the public with access to the discussion and debate even if they are unable to attend in person.

The public has a right to attend the meeting but does not have an automatic right to participate in the meeting. Public rights to speak at meetings are discussed below.

The Local Government Official Information and Meetings Act 1987 applies to any formal meeting of the governing body, or local board where they exist, or any committee which exercises a responsibility given through legislation.

A meeting at which no resolutions are passed is not considered under the Act to be a meeting that is subject to the requirement to be open to the public. This means that elected members are able to take part in workshops or briefing sessions and to have other informal types of meeting without being required to provide for public attendance, provided no resolutions (decisions) are made.

Ability to exclude the public¹⁰

The Local Government Official Information and Meetings Act 1987 gives Council the ability to exclude the public from parts of meetings when certain conditions apply. These conditions include:

- that it is likely that conducting the meeting in public would lead to disclosure of information where there is good reason to withhold that information, or
- that the information is protected by legislation, or a decision is subject to appeal.

A resolution to exclude the public must be passed, which includes the legal reasons for excluding the public.

If members of the public are in the room when a resolution to exclude the public is passed, the Chair will ask the public to leave the room for the duration of the item(s).

Maintaining order¹¹

If a member of the public is disruptive at a meeting, and will not obey instructions from the Chair to leave the meeting, the Act allows Council to remove that person.

When the public may speak at a meeting

Public forums / Deputations

Although legislation does not require Local Authorities to allow members of the public to address meetings, many councils including Napier City Council, make provision in their Standing Orders for this.

10 LGOIMA section 48

11 LGOIMA section 50

With the exception of the Hearings Committee¹², a period of up to 45 minutes in total at each meeting (or longer if the Chair determines it) may be set aside for public input at the commencement of meetings that are open to the public.

Each speaker may speak for up to ten minutes, with a further five minutes allowed for questions.

The public forum is typically used to speak about:

- something that an organisation is doing in order to inform councillors,
- an issue that is a concern, or
- a petition.

A deputation is used to speak about:

- a matter that is on the meeting agenda

The public forum / deputation cannot be used to speak about:

- decisions that have already made (it is not an appeal provision),
- matters for which there is a separate public hearing process (fairness dictates that all submitters use the same process),
- matters which are being dealt with through a quasi-judicial process (which requires a set process that is fair to all parties), or
- matters outside the responsibilities of the meeting or the Napier City Council.

How to request to speak at the public forum / deputation of a meeting

If public wish to speak at a meeting they need to contact the Chief Executive or Governance Team in writing at least one clear day prior to the meeting. They will need to outline what they wish to talk about. The Governance Team will provide the application to the meeting Chair, who has the discretion to decline a speaker in certain circumstances. The Governance Team can be contacted at governance@napier.govt.nz

As a public record, the minutes of meetings will record the names of public presenters, and may include a summary of what was said.

Other ways to be heard

A member of the public can participate in the democratic process by making a written submission when submissions are called and speaking to the submission at a Hearing.

Submissions are invited on consultation documents for

- the Annual Plan,
- the Long Term Plan,
- Bylaws,
- key policies and plans,

¹² As a Hearings Committee already has specific expectations around hearing public submissions a public forum is not required

- reserve management plans, and
- applications for consent and proposals for plan changes under the Resource Management Act.

See Council's website for a comprehensive list of plans, policies and strategies.

Standing Orders

The members of a meeting must follow Standing Orders (a set of procedures for conducting meetings). The governing body adopts its own Standing Orders and can amend them by a vote of 75% of the members present. A meeting may suspend all or some of the Standing Orders for a section of a meeting by a vote of 75% of the members present.

Council adopted its current Standing Orders on 2 February 2023, based on the Local Government New Zealand model with some adjustments to reflect specific Napier processes; they can be found on our website:

<https://www.napier.govt.nz/assets/Documents/Governance-2022-2025/2022-2025-Standing-Orders.pdf>

Voting

The Local Government Act 2002 requires all voting at meetings to be open¹³. The Standing Orders provide for three ways of determining a vote:

- on the voices – members say “aye” or “nay”,
- show of hands – by raising their hands,
- by division (each member's name is called in turn and the member responds by voting for or against the motion).

For all forms of voting a dissenting vote or votes will be recorded. When voting is called by division the votes of all individual members will be recorded in the minutes.

The Standing Orders allow the Mayor, Chairperson or any other person presiding at a Council meeting to have a casting vote in the case of an equality of votes. A casting vote is not applicable at standing committee meetings.

Revoking previous decisions

A previous decision can only be revoked:

- at the same meeting as a result of new information,
- at a subsequent meeting by way of a report from the Chief Executive or Chair,
- at a subsequent meeting by way of a notice of motion by a member, with the signatures of at least one third of the meeting.

¹³ Local Government Act 2002, schedule 7, clause 24

9. CONSULTATION POLICIES

Legal requirements

The Local Government Act 2002 sets out consultation requirements and principles for Council to follow when making a decision as the guardian of local resources¹⁴.

For any decision, Council should:

- assess the problem or issue, identify reasonably practical options for how it could be addressed, and work through the costs, benefits, and impacts for each of those options,
- consider the views of the community at *all* stages of the decision-making process, particularly including persons likely to be affected by or interested in the matter, and the views of Māori (especially where land or water are affected),
- consult prior to making any decision or predetermining an option,
- make decisions taking account of the interests of the present and future community, and the impacts of the economic, social, cultural interests and the quality of the environment, and
- provide reasons for all decisions made, and identify and explain any inconsistencies with other council plans or policies.

Council must apply all these principles, but can do this in the ways that it thinks most appropriate.

Significance and engagement policy

A significance and engagement policy is a requirement of the Local Government Act 2002¹⁵. The purpose of the Policy is to:

- enable the Local Authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities,
- outline how and when communities can be expected to be engaged in decisions about different issues, assets, or other matters,
- outline the extent of any public engagement that is expected before a particular decision is made, as well as the type and form of engagement required. This information is used at the beginning of a decision-making process.

The Policy should outline:

- a general approach to determining the significance of proposal and decisions,
- criteria or procedures for assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences,
- how the Local Authority will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable,

¹⁴ Local Government Act 2002, sections 75-90

¹⁵ Local Government Act 2002, section 76AA

- how the Local Authority will engage with community on other matters.

Council's Significance and Engagement Policy was reviewed in 2017 and the updated version adopted on 20 December 2017. It can be found at <https://www.napier.govt.nz/assets/Document-Library/Policies/significance-engagement-policy.pdf>

Special consultative procedure

The Local Government Act 2002 sets out the Special Consultative Procedure that Local Authorities must follow when making certain decisions.

The Council must follow the Special Consultative Procedure before it:

- adopts a Long-Term Plan (LTP) or Annual Plan
- amends an LTP
- adopts, revokes, reviews or amends a bylaw
- establishes a Council Controlled Organisation
- decides to sell, dispose of or construct a strategic asset

The Council may be required to use the Special Consultative Procedure under other legislation, and it may choose to use this procedure in other circumstances if it wishes to do so.

Council can (and does) consult outside of the Special Consultative Procedure. For example, Council may hold informal meetings with the public to ask about what matters most to the community and to identify issues of concern. The Special Consultative Procedure is outlined in more detail in the Significance and Engagement Policy.

10. RELATIONSHIPS WITH MĀORI

Te Kaunihera o Ahuriri Napier City Council recognises the importance of Te Tiriti o Waitangi, the founding document of Aotearoa/ New Zealand, respecting and seeking to uphold in all Council activities the Treaty and its principles.

Te Kaunihera o Ahuriri Napier City Council particularly acknowledges its obligations under Te Tiriti o Waitangi towards the mana whenua and wider Māori community of Ahuriri Napier. The important standing of Ahuriri Hapū as mana whenua of Napier is recognised, and Council acknowledges their kinship within the seven hapū and six traditional marae.

Mana whenua are represented by three Post Settlement Governance Entities (PSGE):

- Mana Ahuriri
- Maungaharuru-Tangitū
- Te Taiwhenua o te Whanganui a Orotū (Ngāti Kahungunu representation)

and Hapū Trust:

- Ngāti Pārau Hapū Trust

The establishment of the above authorities enables Council to have direct lines of communication with mana whenua marae, whānau and mataawaka.

Through the Treaty of Waitangi settlement process partnerships also exist with iwi and hapū entities for economic growth through the Matariki Regional Development Strategy.

The Local Government Act 2002 places specific expectations on councils in relation to Māori¹⁶:

- to recognise and respect the Crown's responsibility to take appropriate account of the principles of Te Tiriti o Waitangi
- establish, maintain and improve processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority
- consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
- provide relevant information to Māori for the purposes of their contribution to decision making and fostering their capacity to contribute.

Te Kaunihera o Ahuriri acknowledge the time and effort required to transition relationships to partnerships, and is undertaking a review of its existing opportunities for hapū to be formally involved in decision making, deliberately ensuring that engagement and participation are taking place in ways that are meaningful for the long term future of Ahuriri Napier.

Part of this process has included a significant review of the structure of Council's Ngā Mānukanuka o te Iwi Committee (Māori Committee), with stronger recognition of the cultural landscape Council operates in, and tikanga Māori. A strong value is placed on early information, multi-directional conversations and a clear understanding of the role and mana of the Committee and its contribution to the activities of Council.

Council currently participates in the co-governance group, Te Komiti Muriwai o Te Whanga, via its appointed representative, and also providing administrative support to the group. Further co-

¹⁶ LGA 2002, ss 4, 81

management and or co-governance groups may be established by central government through the settlement process.

Council holds a special position for an appointed Kaumātua to ensure mana whenua integrity is maintained. Cultural protocols and practices are advised appropriately to the Mayor, Councillors and the Chief Executive by the Kaumātua and also by a new Directorate, Te Waka Rangapū, which aims to develop cultural awareness throughout the Council to support tikanga and provide a Māori lens for safe cultural practice.

Council was also involved in the building of Napier's urban Marae, Pukemokimoki Marae. The Marae is run by a Trust on which an elected member is always one of the Trustees, and the Manager Community Strategies acts as an advisor to the Trust Board. Council also provides funding support to the Marae. The Marae also provides a voice for hapori Māori to direct their concerns to Council.

10A. INTERNATIONAL RELATIONSHIPS

Sister Cities NZ Vision

Sister Cities aims to foster cross-border communications – a mutual exchange of ideas, people, and materials in a range of cultural, educational, youth, sports, civic, professional, and technical projects.

The Sister Cities concept is unique:

- It is two-way; the give and take is shared by both sides, and provides for structured, continuous contact between the cities and citizens involved.
- It brings together the volunteer resources of each pair of sister cities.
- It offers a mechanism at the community level for any person or organisation to become involved in the field of international relations.
- The establishment of sister city friendships stimulates interaction between people of different cultures and countries on a people-to-people basis.

Our aim is to foster international understanding and friendship, in order to encourage an exchange of education and culture, and where possible, even tourism and trade as catalysts for mutual economic growth.

Current Sister Cities with Napier

The Council and the city foster longstanding formal Sister City relationships with Tomakomai in Hokkaido, northern Japan; and Lianyungang in Jiangsu Province, China, through regular interchanges on a number of different fronts.

Napier maintains a well-established 'friendly city' link with Victoria in British Columbia, Canada.

A similar link with Xuzhou in the Chinese province of Jiangsu is focused on the economy.

Napier also has a general servicing relationship with the Chatham Islands.

Napier and Hastings Councils also have a relationship with Mianyang in Sichuan province, China on sharing information on Earthquake matters.

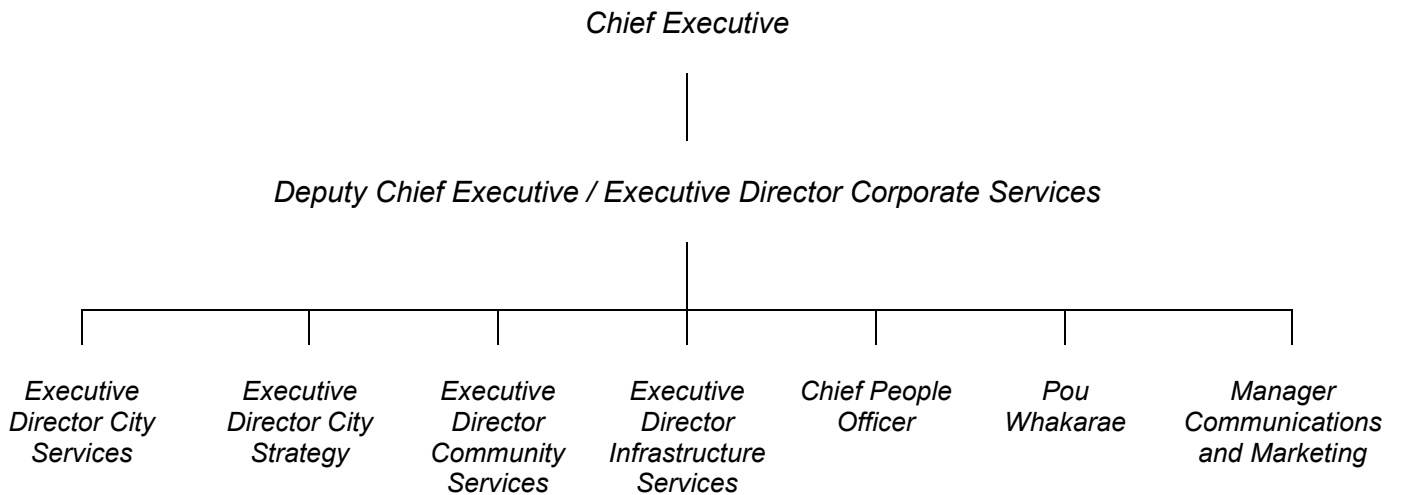
City of Napier Sister City Objective Statements

Focus areas for the City of Napier's Sister Cities are Educational, Cultural, Social, Economic and Charitable. The objectives for establishing sister city relationships are:

- To engage the people of the City of Napier in cultivating strong and rewarding relationships with the people of similar cities of foreign nations; to understand one another as individuals, as members of their community, as citizens of their country, as indigenous peoples, and as a part of the family of nations.
- To foster continuing relationships of mutual concern between the people of the City of Napier and the people of established Sister Cities.
- To lead activities and programs that educate and equip the City of Napier and established Sister Cities with a mutual understanding of culture and economics.
- To assist the City of Napier in participating as an organisation in the promotion of a local program sponsoring international cooperation and goodwill.
- To act as a coordinating body among local organisations, cultural and social groups and schools desiring to engage in the planning, fundraising, and participation of international civic cooperation and exchange.
- To encourage and obtain volunteer support from business and individuals with the Napier community for Sister City relationships, activities and cultural exchanges.

11. MANAGEMENT STRUCTURE

Management Organisation Chart – Executive Team



Employment policies

Napier City Council is committed to recruiting people with the right skills, competencies, behaviours and experience necessary to carry out Council roles effectively to ensure the Council can meet key objectives, providing excellence in service to the community.

Council has a Recruitment & Selection Policy which is intended to assist Managers who are responsible for recruitment to make fair and objective selection decisions that supports the Council in achieving its vision and goals.

Council recognises that remuneration is an important factor in attracting, motivating and retaining talented and skilled people, and its Remuneration Policy provides overarching principles which will act as guidelines when a staff member is recruited to Council.

In brief, all positions will be compared to similar roles within the national public sector or appropriate business sector positions, depending on the nature and focus of the role, when setting the salary range for a position.

Equal opportunities policy

Napier City Council is committed to the principle of equal opportunities in the recruitment, employment, training and promotion of its employees and consistently aims to create a workplace that attracts, retains and values diverse employees in a welcoming and positive environment.

To this end, Napier City Council actively works to:

- maintain a workplace free of discrimination and harassment on the basis of race, colour, ethnic or national origin, gender, religion, marital status, family responsibilities, sexual orientation, disability or age,
- select the best person for the job on the basis of the job requirements/competencies and the ability of that person to perform the job,
- identify and provide appropriate training programmes and promotion opportunities,
- recognise the employment aims and aspirations of Māori, the employment requirements of Māori, and the need for greater involvement of Māori in local government, and
- recognise the particular employment requirements of workers with disabilities and workers of all ages and contribute towards their successful pursuit of careers with Council.

12. KEY PLANNING AND POLICY DOCUMENTS

There are a number of plans that make up Napier City Council's strategic framework. Some plans have a statutory basis, while others are developed to help achieve Council's vision. Each plan has a specific role and objective. Policies are documents which outline Council's approved statements of position, or bases for action.

Long Term Plan (LTP)

<https://www.napier.govt.nz/our-council/plans-strategies-reports/long-term-plan/>

Process	Purpose	Benefits
Council develops a LTP every three years. Council's LTP for the period 2021-2031 was adopted on 30 June 2021. The LTP is a requirement under s93 Local Government Act 2002.	The LTP is Council's key strategic document that sets the long term direction for Council and Napier City. It describes the strategic objectives, programmes, projects, funding information, and performance measures covering a ten-year period (30 years for infrastructure).	Community have direct input into this plan, and are consulted via the legislative requirement, in accordance with the Significance and Engagement Policy.

Supporting documents to the LTP include:

- Infrastructure Strategy
- Financial Strategy
- Asset Management Strategy
- Asset Management Plans
- Financial and Development Contributions Policy
- Significance and Engagement Policy
- City Vision

The LTP contains the following financial policies:

- Revenue and Financing Policy
- Liability Management Policy
- Investment Policy
- Rates Remission Policy
- Rates Postponement Policy
- Policy on Rates Remissions and Rates Postponement on Māori Freehold Land

Annual Plan

<https://www.napier.govt.nz/assets/Document-Library/Plans/Annual-Plans-and-Ten-Year-Plans/20222023-annual-plan.pdf>

Process	Purpose	Benefits
<p>Council has to prepare and adopt an Annual Plan every year, except in the years where a LTP is prepared.</p> <p>The Annual Plan is essentially a refresh of the information contained in the LTP for the year it relates to.</p> <p>The Annual Plan is a requirement under s95 Local Government Act 2002.</p>	<p>The purpose of an Annual Plan is to:</p> <ul style="list-style-type: none"> • contain the proposed annual budget and funding impact statement for the year to which the annual plan relates • identify any variation from the financial statements and funding impact statement from the LTP for the relevant year • support the LTP in providing integrated decision-making and co-ordination of the resources of the Local Authority, and • contribute to the accountability of the Local Authority to the community. 	<p>The Annual Plan outlines what Council intends to invest in over the next financial year in order to meet its vision as outlined in the LTP.</p>

Annual Report

<https://www.napier.govt.nz/our-council/plans-strategies-reports/annual-report/>

Process	Purpose	Benefits
The Annual Report is a legislative requirement under section 98 of the Local Government Act 2002, and is to be presented to and accepted by the governing body of Council each year.	<p>The purpose of the Annual Report is to outline Council's performance over a financial year from 1 July to 30 June including what was actually delivered versus what was committed to.</p> <p>It also contains audited accounts.</p>	The Annual Report promotes accountability to the community that Council has actually delivered what they said they would.

Napier District Plan

<https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan>

The Napier City District Plan is a legal document prepared under the Resource Management Act 1991 (RMA) which sets out Council's policies and strategies for managing the effects of the use, development and protection of the natural and physical resources of the district now and in the future.

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

The Napier City District Plan became operative in November 2011 after several years of consultation with the public.

A significant project is currently underway to review the District Plan (which is undertaken every 10 years).

Key Joint Plans and Policies with Other Councils

Triennial Agreement

The Triennial Agreement is a joint agreement with all other councils in the Hawke's Bay region.

The purpose of the Agreement is to provide a framework for how the councils will engage and work together. It is intended to form a strong foundation to the many existing and potential cooperative and collaborative activities undertaken between the signatory councils.

The Agreement can be updated throughout the Triennium by agreement from all councils, and must be updated and the new agreement adopted by all partner Councils within three months of a local government election.

The current Agreement was adopted by Napier City Council on 23 February 2023 and must be adopted by all the partner Councils by 1 March 2023. It will be available on the website following completion of this process.

Matariki Hawke's Bay Regional Development Strategy

The strategy, adopted in July 2016, was developed collaboratively between local authorities, tangata whenua, business leaders and government agencies. As well as an economic focus, it now also includes the Hawke's Bay Social Inclusion Strategy of 2018 under a single banner.

Identification and implementation of opportunities and actions under the Strategy are led by the Matariki Governance Group (MGG) formed of the Mayors/ Chairs of the member organisations, and the Executive Steering Group (ESG) formed of the Chief Executives of each member organisation.

The MGG and ESG recognise that sustainable economic success across our region is made possible when we combine health, social, cultural, environmental and business initiatives.

The Strategy and the structure that supports its implementation acknowledge the importance of cross-sector partnerships and providing the leadership required to support economic outcomes for the region of Hawke's Bay.

Heretaunga Plains Urban Development Strategy (HPUDS)

This is a joint strategy with Hastings District Council and Hawke's Bay Regional Council.

The purpose of the Strategy is to plan for urban growth on the Plains for the period from 2015 to 2045, taking a long-term view of land-use and infrastructure.

Originally adopted in 2010, the Strategy was reviewed in 2016 and submissions were received. The updated Strategy was adopted by Council on 17 May 2017.

Local Alcohol Policy

The Sale and Supply of Alcohol Act 2012 allows local authorities (councils) to develop a local alcohol policy, which consists of a set of decisions made by a council, or councils jointly, in consultation with the Police, Medical Officers of Health and licensing inspectors as well as the community about the sale and supply of alcohol for the area the council/s are responsible for. Once the local alcohol policy is in place, the Council's District Licensing Committee (a requirement under the Sale and Supply of Alcohol Act 2013) and the Alcohol Regulatory and Licensing Authority will have to consider the policy when they make decisions on licence applications.

Napier City Council and Hastings District Council have agreed a joint Local Alcohol Policy, the latest version of which was adopted in 2019.

Waste Management and Minimisation Plan

The Waste Management and Minimisation Plan (WMMP) is a requirement under the Waste Minimisation Act 2008; Napier City and Hastings District Councils have a joint Plan which was recently reviewed following a significant joint consultation process. The WMMP contains the agreed overarching vision and action plan to deliver waste minimisation and resource recovery across Napier City and Hastings District, working towards zero waste.

Clifton to Tangoio Coastal Hazards Strategy 2120

This Strategy provides a framework to guide and direct the assessment and implementation of preferred options for the long term management of the coast between Clifton and Tangoio to ensure that the coastal communities, businesses and critical infrastructure are resilient to the effect of coastal hazards.

The Strategy participants are Napier City Council, Hastings District Council, Hawke's Bay Regional Council, and groups representing mana/ tangata whenua are also participants through a joint committee.

13. REQUESTING OFFICIAL INFORMATION

What is Official Information?

The term “official information” refers to all existing information (with a few exceptions) held by a Local Authority. Information should not be created to answer a query if it does not already exist. Requests for a person’s own information is covered by the Privacy Act 2020.

Any person may request information from the council and any request for information is made under the Act. You do not have to say you are making a request under the Act. Requests will be processed according to the Act. Council must supply the information unless reason exists for withholding it.

Requests must be responded to as soon as practicable and no later than 20 working days (although there are certain circumstances where this time frame may be extended). A response means advising whether Council has determined to release the information requested based on the Act, and if any information is being withheld or the request is being declined in full the reasons under the Act must be provided for this. Information in relation to the request may be provided separately to the response, particularly in the case of larger requests. Council may charge for official information under guidelines set down by the Ministry of Justice.

Requesting Information

A request should include name, postal or email address and specific details of the information being requested.

Information can be requested in the following ways

Phone: 06 835 7579

Email: governance@napier.govt.nz

Online: <http://www.napier.govt.nz/our-council/about/information-requests/make-a-lgoima-request/>

Post: Governance Team, C/- Napier City Council, Private Bag 6010, Napier 4142

In person: at Council’s Customer Service Centre, 215 Hastings Street, Napier

In brief, sections 10, 11, 13 and 15 of the Local Government Official Information and Meetings Act 1987 provide as follows:

- requests should be made with “due particularity”; this means being as specific as possible about what information is being requested (rather than asking for all files about a general topic, which creates a large amount of work),
- it is the duty of Council to assist people making requests,
- Council must convey its decision on whether to grant the request and whether a charge will apply as soon as practicable and no later than 20 working days,
- information in documents may be made available by providing an opportunity for reading it or by providing a copy of it or by providing a summary or excerpt. However, it should be made available in the way preferred by the person requesting it unless there are reasons for not doing so.

Refusal of a request for information

There are certain instances where Council may refuse to provide all or parts of an official information request. If any or all of a request is refused, Council must give its reasons and advise the person making the request that they have the right to have the decision reviewed by an Ombudsman.

Sections 6, 7, 8 and 17 of the Local Government Official Information and Meetings Act 1987 give the reasons that information may be withheld. Examples include where:

- making it available would be likely to prejudice the maintenance of the law, or endanger safety,
- withholding the information is necessary to:
 - protect privacy
 - protect a trade secret or the commercial position of the person who supplied, or who is the subject of, the information
 - avoid offence to tikanga Māori or avoid disclosure of wāhi tapu locations
 - protect an obligation of confidentiality
 - maintain free and frank discussion or protect elected members and officers from harassment
 - maintain legal professional privilege
 - enable the council to carry out commercial activities or negotiations appropriately

Charging for official information requests

The Act allows for charges to be set to cover costs of collating information. Council's charges are based on the guidelines of the Ministry of Justice. All of Council's fees and charges are listed in the schedule to the Long Term Plan, available on request from our Council offices.

The first hour for collating information is not charged, then a rate of \$38 per half hour may apply, and the first 20 pages of photocopying are not charged, then a rate of 20 cents per page is applied. Any other materials such as electronic storage devices may be charged at actual cost.

Not all requests will incur charges; each is assessed on a case by case basis. Typically, charges may be incurred where a request is for a particularly large amount of information that takes a long time to prepare, or where the same person requests a lot of different things within a small time frame to the extent that the work load in responding is also large.

14. CUSTOMER ENQUIRIES

General contact information

Contact with the Council can be made in the following ways

Phone: 06 835 7579

Email: info@napier.govt.nz

Online: <http://www.napier.govt.nz/>

Post: Napier City Council, Private Bag 6010, Napier 4142

In person: at Council's Customer Service Centre, 215 Hastings Street, Napier

Service requests and complaints

Service requests and complaints can be made by calling the main customer line or email address, or via the council website:

<http://napier.govt.nz/our-council/about/contact-us/fault-repair/>

Council's complaint policy is located on the website on the following link:

<https://www.napier.govt.nz/assets/Document-Library/Policies/Complaints-Policy.pdf>

15. APPENDIX ONE

National legislation particularly affecting Napier City Council

The special status of Te Tiriti o Waitangi as a founding document of New Zealand, and its incorporation and consideration in all New Zealand law, is recognised

Aa

- Ahuriri Hapū Claims Settlement Act 2021
- Airport Authorities Act 1966
- Animal Identification Act 1993
- Animal Welfare Act 1999
- Animals Law Reform Act 1989

Bb

- Biosecurity Act 1993
- Building Act 2004
- Building Research Levy Act 1969
- Burial and Cremation Act 1964
- Bylaws Act 1910

Cc

- Cadastral Survey Act 2002
- Children's Act 2014
- Citizenship Act 1977
- Civil Defence Emergency Management Act 2002
- Construction Contracts Act 2002
- Contract and Commercial Law Act 2017
- COVID-19 Recovery (Fast-track Consenting) Act 2020
- Crimes Act 1961

Dd

- Data and Statistics Act 2022
- Dog Control Act 1996
- Dog Control Amendment Act 2003

Ee

- Electoral Act 1993
- Employment Relations Act 2000

Ff

- Fencing Act 1978
- Fencing of Swimming Pools Act 1987
- Financial Markets Conduct Act 2013
- Financial Reporting Act 2013
- Financial Transactions Reporting Act 1996

- Food Act 2014
- Freedom Camping Act 2011

Gg

- Gambling Act 2003

Hh

- Hawke's Bay Crematorium Act 1944
- Hawke's Bay Endowment Land Empowering Act 2002
- Hazardous Substances and New Organisms Act 1996
- Health and Safety at Work Act 2015
- Heritage New Zealand Pouhere Taonga Act 2014
- Holidays Act 2003

Ll

- Land Transport Act 1998
- Litter Act 1979
- Local Authorities (Members' Interests) Act 1968
- Local Electoral Act 2001
- Local Government Act 1974
- Local Government Act 2002
- Local Government Borrowing Act 2011
- Local Government Official Information and Meetings Act 1987
- Local Government (Rating) Act 2002

Mm

- Marine Mammals Protection Act 1978
- Minimum Wage Act 1983

Nn

- Napier Borough Endowments Act 1876
- Napier Borough Endowments Amendment Act 1999
- Napier City Council (Land) Empowering Act 1989
- Napier City Council (Sale of Liquor) Empowering Act 1993
- Napier Foreshore Act 1927
- Napier Foreshore Extension Act 1935

- Napier Foreshore Extension Act 1966
- Napier Harbour Board Act 1878
- Napier Harbour Board Amendment and Endowment Improvement Act 1887
- Napier Harbour Board Amendment and Endowment Improvement Act 1899
- Napier Harbour Board Amendment and Endowment Improvement Act 1912
- Napier Harbour Board and Napier Borough Enabling Act 1926
- Napier Harbour Board and Napier Borough Enabling Act 1933
- Napier Harbour Board and Napier Borough Enabling Act 1936
- Napier Harbour Board and Napier Borough Enabling Act 1945
- Napier Harbour Board Empowering Act 1932-33
- Napier Harbour Board and Napier City (Inner Harbour) Subdivision Act 1966
- Napier Harbour Board Loan Act 1906
- Napier Public Baths Act 1908

Oo

- Ombudsmen Act 1975

Pp

- Privacy Act 2020
- Psychoactive Substances Act 2013
- Public Records Act 2005

Rr

- Rates Rebate Act 1973
- Rating Valuations Act 1998
- Receiverships Act 1993
- Reserves Act 1977

- Residential Tenancies Act 1986
- Resource Management Act 1991

Ss

- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Transfer Act 1991
- Sir Donald McLean Memorial Park Act 1911
- Smoke-free Environments Act 1990
- Smokefree Environments and Regulated Products Act 1990
- Soil Conservation and Rivers Control Act 1941
- Stamp and Cheque Duties Act 1971
- Standards Act 1988
- Statistics Act 1975
- Statutory Land Charges Registration Act 1928
- Summary Offences Act 1981
- Summary Proceedings Act 1957

Tt

- Taumata Arowai – The Water Services Regulator Act 2020
- Te Ture Whenua Maori Act 1993 (Māori Land Act 1993)
- Treaty of Waitangi Act 1975

Uu

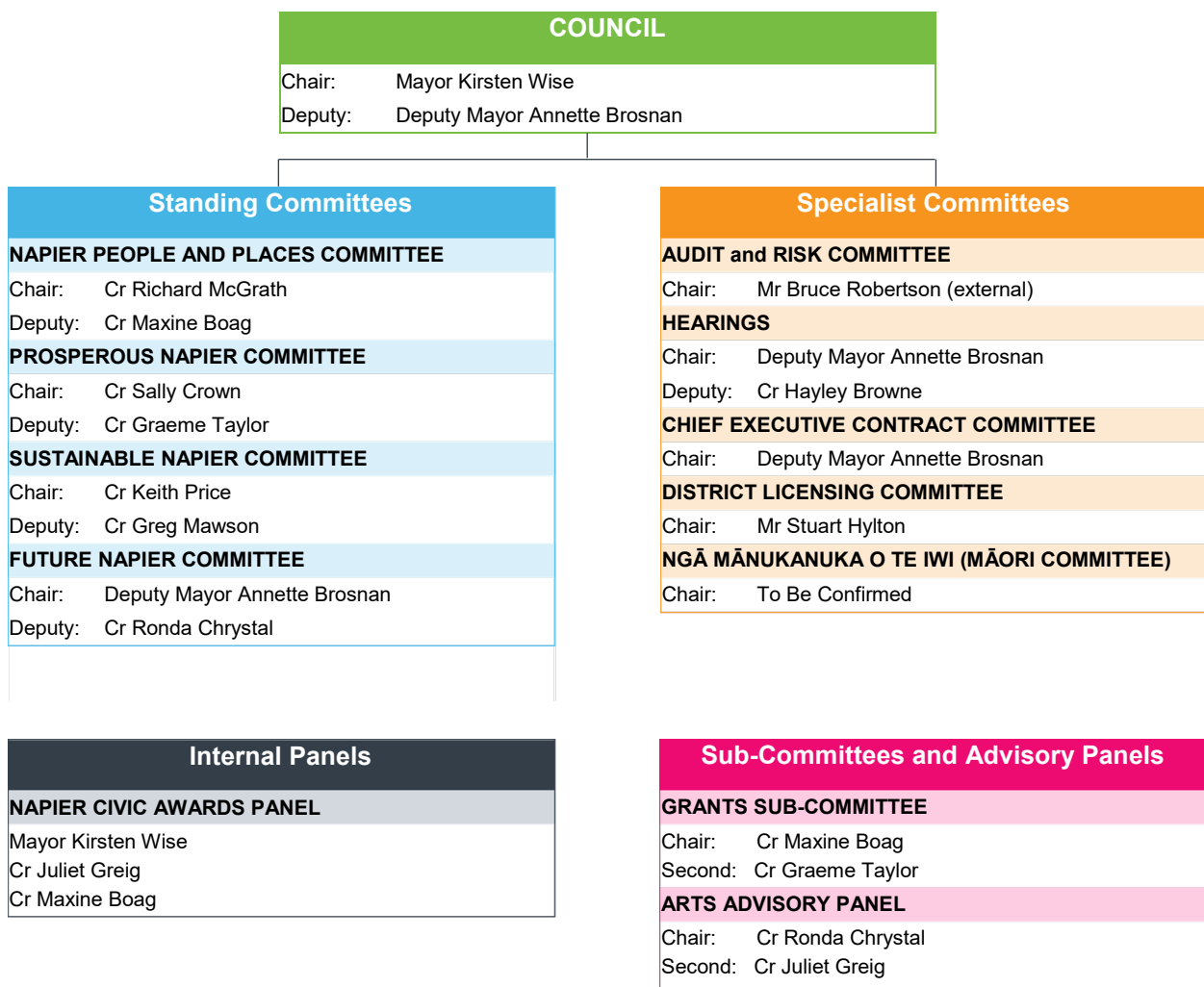
- Urban Development Act 2020

Ww

- Waste Minimisation Act 2008
- Water Services Act 2021

17. APPENDIX TWO

NAPIER CITY COUNCIL GOVERNANCE STRUCTURE 2022-2025



Portfolios

Portfolio	Appointee	Associated Body of Council
Māori / Iwi Partnerships	Mayor Kirsten Wise	Council
Housing	Cr Maxine Boag	Napier People and Places Committee
Sport and Recreation	Cr Graeme Taylor	Napier People and Places Committee
Community Resilience	Cr Nigel Simpson	Napier People and Places Committee
Climate Change and Coastal Hazards	Deputy Mayor Annette Brosnan	Future Napier Committee
City Services	Cr Richard McGrath	Sustainable Napier Committee
Child Friendly City	Cr Juliet Greig	Napier People and Places Committee
Environment and Sustainability	Cr Chad Tareha	Sustainable Napier Committee
Positive Ageing, Diversity and Accessibility	Cr Greg Mawson	Napier People and Places Committee
Arts, Culture and Heritage	Cr Ronda Chrystal	Napier People and Places Committee
Economic Development	Cr Sally Crown	Future Napier Committee
Tourism/ Council Facilities	Cr Hayley Browne	Napier People and Places Committee
Transportation	Cr Keith Price	Sustainable Napier Committee

Napier City Council Members of Joint Committees

AHURIRI REGIONAL PARK JOINT COMMITTEE	CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE	CLIMATE ACTION JOINT COMMITTEE
Deputy Mayor Annette Brosnan Cr Keith Price Cr Hayley Browne (alternate)	Cr Hayley Browne Cr Keith Price Cr Nigel Simpson Deputy Mayor Annette Brosnan (alternate)	Deputy Mayor Annette Brosnan Cr Hayley Browne Cr Chad Tareha (alternate)
HAWKE'S BAY CIVIL DEFENCE EMERGENCY MANAGEMENT JOINT COMMITTEE	HAWKE'S BAY CREMATORIUM COMMITTEE	HAWKE'S BAY MUSEUM STORAGE WORKING GROUP
Mayor Kirsten Wise Cr Nigel Simpson (alternate)	Cr Nigel Simpson Cr Juliet Greig	Cr Sally Crown Cr Ronda Chrystal
HAWKE'S BAY REGIONAL TRANSPORT COMMITTEE	JOINT WASTE FUTURES PROJECT STEERING COMMITTEE	NAPIER-HASTINGS FUTURE DEVELOPMENT STRATEGY JOINT COMMITTEE
Cr Keith Price Mayor Kirsten Wise (alternate)	Cr Richard McGrath Cr Hayley Browne Cr Tareha	Mayor Kirsten Wise Cr Ronda Chrystal Cr Maxine Boag (alternate)
OMARUNUI JOINT REFUSE LANDFILL COMMITTEE	TE KOMITI MURIWAI O TE WHANGA	
Cr Richard McGrath Cr Chad Tareha Cr Nigel Simpson (alternate)	Deputy Mayor Annette Brosnan	

External Appointments

AHURIRI BUSINESS ASSOCIATION INCORPORATED	ART DECO TRUST	CREATIVE ARTS NAPIER
Cr Keith Price	Cr Chad Tareha	Cr Ronda Chrystal
CREATIVE COMMUNITIES COMMITTEE	HAWKE'S BAY HOLT PLANETARIUM CHARITABLE TRUST	HAWKE'S BAY MEDICAL RESEARCH FOUNDATION INCORPORATED
Cr Maxine Boag Cr Ronda Chrystal	Cr Greg Mawson	Cr Graeme Taylor
HISTORIC PLACES HAWKE'S BAY INCORPORATED	HOWARD ESTATE ADVISORY BOARD	MAYOR'S TASKFORCE FOR JOBS
Cr Ronda Chrystal	Michelle Monteith (external)	Mayor Kirsten Wise
NAPIER CITY BUSINESS INC.	NAPIER PILOT CITY TRUST	NAPIER DISABILITY ADVISORY GROUP
Cr Sally Crown	Cr Juliet Greig	Cr Greg Mawson
PORT NOISE LIAISON COMMITTEE	POSITIVE AGEING TRUST	PUKEMOKIMOKI MARAE TRUST
Cr Hayley Browne Cr Keith Price (alternate)	Cr Greg Mawson	Cr Keith Price
SPORTS COUNCIL	TARADALE BUSINESS ASSOCIATION	TE MATAU A MAUI TRUST
Cr Keith Price	Cr Nigel Simpson	Barbara Arnott (external)
WAIPUREKU WAITANGI CHARITABLE TRUST		
Cr Maxine Boag		

Council Controlled Organisations (CCOs)

HAWKE'S BAY AIRPORT LTD	HAWKE'S BAY MUSEUMS TRUST	OMARUNUI LANDFILL
No appointees required	Tania Wright (external)	Cr Richard McGrath Cr Chad Tareha Cr Nigel Simpson (alternate)