

# Community boards, local boards and Auckland boards: what's the difference?

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- > Most residents taking part in workshops on the city's representation review say they want closer contact with their elected representatives (CCC 2015)
  - > Local boards will have the maximum possible level of power and responsibility (Local Government Commission)
  - > Councillors have been asked to look at ways to have more services delivered by community groups and give local boards a greater say on the distribution of funds – Cr Woods believes it could make spending more efficient.

# True local government

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Will only exist when democratically elected bodies have well defined discretionary powers to provide services to their citizens and finance them with the proceeds of one or more exclusive local taxes of which they can determine the base and/or rate of tax.

# Background

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- > Prior to local government reform in 1989 there was a range of sub-municipal structures such as community councils
- > Community boards were created as the only form of sub-municipal body in October 1989
- > In 2002 legislation was amended to ensure appointed members would be less than half the total number of members and to remove the ability for boards to abolish themselves
- > The LG (Auckland Council) Act 2009 created a new form of sub municipal body called local boards
- > The LGA Amendment 2012 allowed the Local Government Commission to establish local boards in unitary councils with a population greater than 400,000
- > The LG Amendment Act 2014 removed the 400,000 threshold.

# Comparison

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- > Establishment
- > Purpose
- > Role, functions and powers
- > Decision-making
- > Role of the governing body
- > Original delegations
- > Status
- > Membership
- > Principles
- > Funding, plans and agreements
- > Conflict resolution

# Establishment

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## > Community Boards

- Reorganisation; representation review; community petition

## > Local Boards

- Re-organisation process involving a unitary council

## > Auckland boards

- Legislation

# Purpose

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- > Community Boards
  - No separate purpose
- > Local Boards
  - Enable democratic decision making by and on behalf of communities within the local board area
  - Better enable the purpose of local government to be given effect to within the local board area
- > Auckland boards
  - Enable democratic decision making by and on behalf of communities within the local board area
  - Better enable the purpose of local government to be given effect to within the local board area

# Role, functions, duties & powers

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## > Community Boards

- Represent, and act as an advocate for , the interests of its community;
- Consider and report on all matters referred to it by the territorial authority , or any matter of interest or concern to the community board;
- Maintain an overview of services provided by the territorial authority within the community;
- Prepare an annual submission to the territorial authority for expenditure within the community;
- Communicate with community organisations and special interest groups within the community;
- Undertake any other responsibilities that are delegated to it by the territorial authority

# Role, functions, duties & powers

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- > Local boards and Auckland boards
  - Exercise any decision making responsibilities conferred on it by the Act
  - Monitor and report on implementation of local board agreement
  - Communicate with community organisations and interest groups
  - Undertake responsibilities delegated to it under *Schedule 7*
  - Report to the governing body on local matters
  - Exercise any powers delegated to it by the governing body under *Schedule 7*.

# Decision-making

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- > Community boards
  - Matters delegated by the governing body
- > Local Boards
  - Non-regulatory activities delegated in accordance with the principles in S.48L(2)
  - Identifying and developing bylaws for their areas and proposing them to the governing body
  - Preparing a local board plan as a basis for the agreement with the governing body
- > Auckland boards
  - Non-regulatory activities delegated in accordance with the principles (S.17)
  - (Note – transport and roading delegations are the responsibility of Auckland Transport)
  - Identifying and developing bylaws for their areas and proposing them to the governing body
  - Implementation of the agreement

# Role of the governing body

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- > In relation to community boards
  - Not defined
- > In relation to local boards
  - Decision-making in relation to regulatory activities
  - Decision making in relation to transport and infrastructure and non regulatory activities the governing body has allocated to itself
- > In relation to Auckland Boards
  - Same as local boards
- > Note:
  - In relation to local and Auckland boards the governing body, before making a decision, must consider the views of a local board if the decision impacts on a board's responsibilities or area or "the **well being** of communities in the local board area".

# Original delegations

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- > Community Boards
  - Delegations set by Local Government Commission for 6 years
- > Local Boards
  - Delegations set by LGC by 6 years. Changes made to delegations by a governing body after the 6 years can be appealed by boards to the LGC.
- > Auckland boards
  - Delegations set by Transition Authority. Wide ranging grounds to appeal to LGC.

# Status

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## > Community Boards

- An unincorporated body with the powers delegated to it or prescribed by order in council which not:
  - acquire, hold or dispose of property or
  - appoint, suspend or remove staff

## > Local Boards

- An unincorporated body which may not:
  - acquire, hold or dispose of property or appoint, suspend or remove employees
  - Enter into contracts
  - Commence or be party to or be heard in proceedings

## > Auckland boards

- Ditto local boards

# Membership

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- > Community Boards
  - 4 – 12 members
  - Appointed members cannot be a majority
  - Chair elected by members
- > Local Boards
  - 5 to 12 members
  - Members appointed by the governing body
  - Chair elected by the members or
  - Directly elected (order in council)
- > Auckland boards
  - 5 to 12 elected members
  - Chair elected by the members

# Principles (all boards)

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- > decision-making responsibility for a non-regulatory activity of the unitary authority within a local board area should be exercised by its governing body if the nature of the activity is such that decision making on a district-wide basis will better promote the interests of the communities in the district because—
  - the impact of the decision will extend beyond the
  - local board area; or
  - effective decision making will require alignment or integration with other decisions that are the responsibility of the governing body; or
  - the benefits of a consistent or co-ordinated approach in the district will outweigh the benefits of reflecting the particular needs and preferences of the communities within the local board area.

# Example: Rodney Local Board

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- > Local library services
  - Proposed operating expenditure 14/15 \$3.1 million
- > Local community services
  - Facilities, community development and safety initiatives
- > Local arts and cultural events/services
  - Arts programmes. Budget \$498,000
- > Local parks and recreation services
  - Sports field lights
- > Local economic development
  - Business improvement districts/youth employment
- > Local built and natural environment
  - Environment and heritage protection \$191,000

# Funding, plans & agreements (all boards)

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## > Funding:

- The formula referred to in subsection (2)(b) must allocate funds to each local board in a way that provides an equitable capacity for the local board to enhance the **well-being of the communities** in its local board area, having regard to ... The level of dependence, local costs, local rates revenue and other factors.

## > Local board plans

- To be adopted immediately after an election
- Three year focus
- Annual funding agreement
- The governing body must consult on the contents of each local board agreement as part of its annual or LTP consultation.

# Conflict resolution

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- > Community Boards
  - By negotiation between boards and governing bodies
- > Local Boards
  - Appeal to Local Government Commission in case of disputes about the allocation of decision making responsibilities or proposed bylaws.
  - LGC determines allocation of costs
- > Auckland boards
  - Same as local boards



Who's  
looking after  
our  
communities'  
future?

**We are.  
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