

I hereby give notice that an inaugural meeting of the second Governing Body will be held on:

**Date:** Tuesday, 29 October 2013  
**Time:** 6.00pm  
**Meeting Room:** The Great Hall  
**Venue:** Auckland Town Hall  
301-305 Queen Street  
Auckland

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## **Governing Body**

### **OPEN AGENDA**

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#### **MEMBERSHIP**

<b>Mayor</b>	Len Brown, JP	
<b>Deputy Mayor</b>		
<b>Councillors</b>	Anae Arthur Anae	Denise Krum
	Cameron Brewer	Mike Lee
	Dr Cathy Casey	Calum Penrose
	Bill Cashmore	Dick Quax
	Ross Clow	Sharon Stewart, QSM
	Linda Cooper	Sir John Walker, KNZM, CBE
	Chris Darby	Wayne Walker
	Alf Filipaina	John Watson
	Hon Chris Fletcher, QSO	Penny Webster
	Penny Hulse	George Wood, CNZM

(Quorum 11 members)

**Jason Marris**  
**Governance Support Manager**

**23 October 2013**

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	<i>The meeting will adjourn once all councillors have made their statutory declarations and will reconvene on Wednesday 30 October 2013, at 10.00am in the Reception Lounge, Auckland Town Hall.</i>	
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*A mihi whakataua will precede the formal meeting.*

*The meeting will be chaired by the Chief Executive until the Mayor has made his statutory declaration.*

**1 Apologies**

At the close of the agenda no apologies had been received.

**2 Statutory Declaration – His Worship the Mayor, Len Brown**

His Worship the Mayor will make an oral declaration and sign a written declaration which will be attested by the Chief Executive.

The Mayor will address the meeting, outlining his vision for Auckland. He will acknowledge local boards and the appointment of the Deputy Mayor.

*There will be a musical interlude at this time to be performed by Sistema Aotearoa and Auckland Choral.*

**3 Statutory Declarations - Councillors**

Each councillor will make an oral declaration and sign a written declaration, which will be attested by His Worship the Mayor.

*The meeting will adjourn once all councillors have made their statutory declarations and will reconvene on Wednesday 30 October 2013, at 10.00am in the Reception Lounge, Auckland Town Hall.*

**4 Affirmation**

His Worship the Mayor will read the affirmation.

**5 Maiden Speeches**

New councillors will have the opportunity to address the meeting.

The order of speaking will be as follows:

Councillor Bill Cashmore  
Councillor Ross Clow  
Councillor Linda Cooper  
Councillor Chris Darby  
Councillor Denise Krum  
Councillor John Watson

**6 General Explanation of Laws Affecting Elected Members**

**7 Committee Structure and Chairpersons**

**8 Appointments to LGNZ**

**9 Appointments to other entities - general**

**10 Meeting Schedule**

**11 Urgent Decision Report - Civil Defence Generators**

## 12 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
  - (i) The reason why the item is not on the agenda; and
  - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
  - (i) That item is a minor matter relating to the general business of the local authority; and
  - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

## General Explanation of Laws Affecting Elected Members

File No.: CP2013/24737

### Purpose

1. The attachment to this report provides a general explanation of the laws affecting elected members including:
  - i) the Local Government Official Information and Meetings Act 1987;
  - ii) the Local Authorities (Members' Interests) Act 1968;
  - iii) sections 99, 105 and 105A of the Crimes Act 1961;
  - iv) the Secret Commissions Act 1910;
  - v) the Securities Act 1978;
  - vi) parts of the Local Government Act 2002; and
  - vii) parts of the Local Government (Auckland Council) Act 2009.
2. All elected members have attended legislative briefing sessions, run by the council's Legal Services team. Requests for legal advice or assistance on council matters can be directed to your councillor support adviser and/or the council's General Counsel.

### Recommendation/s

That the Governing Body:

- a) note the general explanation of the laws affecting elected members.

### Attachments

No.	Title	Page
A	Laws affecting elected members	9

### Signatories

Authors	Jazz Singh, Acting General Counsel
Authorisers	Doug McKay - Chief Executive



## LAWS AFFECTING ELECTED MEMBERS

### Executive Summary

At the first meeting of the governing body after the three-yearly general election, councillors receive a general explanation of laws that affect them as elected members.<sup>1</sup> These laws include:

- the Local Government Official Information and Meetings Act 1987;
- the Local Authorities (Members' Interests) Act 1968;
- sections 99, 105 and 105A of the Crimes Act 1961;
- the Secret Commissions Act 1910;
- the Securities Act 1978;
- parts of the Local Government Act 2002; and
- parts of the Local Government (Auckland Council) Act 2009.

This attachment provides the required general explanation.

### Legislative Overview

#### Purpose, Role and Powers of Auckland Council

The Local Government Act 2002 (**LGA 02**) sets out the purpose of local government in New Zealand:

- to enable democratic local decision-making and action by, and on behalf of, communities; and
- to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

(Here, “good-quality” means infrastructure, services, and performance that are efficient; and effective; and appropriate to present and anticipated future circumstances.)<sup>2</sup>

In Auckland, the Local Government (Auckland Council) Act 2009 (**LGACA**) creates “Auckland Council” as a “*two-tier governance structure comprising the governing body and the local boards*”, with decision-making responsibilities shared between the governing body and the local boards.<sup>3</sup> That is, the governing body and the local boards collectively comprise the “Auckland Council” entity:

- the governing body applies the local government purpose across Auckland; and
- local boards apply the local government purpose in their local board area.<sup>4</sup>

<sup>1</sup> Clause 21(5)(c) Schedule 7 Local Government Act 2002

<sup>2</sup> Section 10 LGA 02

<sup>3</sup> Section 7 LGACA

<sup>4</sup> Section 10 LGACA

Local board powers are either conferred by statute (through LGACA); allocated by the governing body; or delegated by the governing body (or Auckland Transport).<sup>5</sup>

LGACA also imposes specific limits on what local boards may do. A local board cannot acquire, hold or dispose of property; or appoint, suspend or remove staff. In addition, some matters may not be delegated to local boards including the powers to make a rate; to make a bylaw; or appoint a chief executive.<sup>6</sup>

### Meetings and Official Information

The Local Government Official Information and Meetings Act 1987 (**LGOIMA**) generally applies to the use and release of official information (that is, information held by council). The fundamental principle in LGOIMA is that official information is publicly available, unless one or more withholding grounds (listed in LGOIMA) apply.

LGOIMA also applies to council meetings, including committee meetings. Relevant to meetings:

- LGOIMA states the grounds when the public can be excluded from a meeting, for example, when “good reason” to withhold information exists.<sup>7</sup> The public can also be excluded where there is a right of appeal on the particular decision being discussed.
- To exclude the public, the governing body or committee must make a resolution stating the subject of each matter to be considered while the public is excluded, and must give the reasons for excluding the public, referring to the statutory grounds in LGOIMA.
- The chairperson at a meeting can require a member of the public to leave a meeting if the behaviour of the person concerned is likely to prejudice or continue to prejudice the orderly conduct of the meeting.<sup>8</sup>
- If an elected member’s conduct prevents the orderly conduct of the meeting, that member can also be asked to leave by the chairperson under the council’s standing orders.
- Where a meeting is open to the public, and an agenda / minutes are made available, then any defamatory matter published in this way will be treated as privileged, unless the publication was predominantly motivated by ill will.<sup>9</sup> Oral statements made at meetings are also privileged, unless the statement is shown to be predominantly motivated by ill will.<sup>10</sup>
- Items which are not on an agenda for a meeting can still be dealt with if the meeting resolves to do so; and the chairperson explains in open meeting why the item is not on the agenda and why the matter cannot be delayed to a subsequent meeting.<sup>11</sup> Minor matters relating to the general business can be discussed without a resolution to do so, so long as the chairperson explains at the beginning of the meeting, when it is open to the public, that the item will be discussed. In that case no resolution, decision or recommendation can be made except to refer the item to a subsequent meeting for further discussion.<sup>12</sup>

<sup>5</sup> Sections 13 and 16 LGACA

<sup>6</sup> Sections 12 and 31(1) LGACA

<sup>7</sup> Section 48 LGOIMA

<sup>8</sup> Section 50 LGOIMA

<sup>9</sup> Section 52 LGOIMA

<sup>10</sup> Section 53 LGOIMA

<sup>11</sup> Section 46A(7) LGOIMA

<sup>12</sup> Section 46A(7A) LGOIMA

The council can hold workshops or seminars without allowing the public to attend. This is because workshops or seminars are not treated as formal council meetings (as no decisions are made), and so they are not subject to LGOIMA.

### Members' Interests

The Local Authorities (Members' Interests) Act 1968 deals with financial conflicts of interest - it applies to situations where your personal interests impinge, or could be seen as impinging, on your duties as an elected member.

There are two key rules:

- You will be disqualified from office as an elected member if you are concerned or interested in contracts under which payments made by or on behalf of the council exceed \$25,000 in any financial year.
- As an elected member, you are also prohibited from participating in any council discussion or voting on any matter where you have a financial interest, other than an interest in common with the general public. (When describing financial interests, the Act uses the term "pecuniary" interest.)

The same rules can apply where your spouse, partner, company (depending on shareholding levels or your position in the company) and possibly family trust, is concerned or interested in a contract, or has a financial interest.

As an elected member, you may contact the Audit Office for guidance on whether you have a financial interest and, if so, may seek an exemption to participate or vote on a particular issue in which you may have a financial interest. (This must be done before the discussion or vote.) The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses, partners or others (as outlined above) that exceed the \$25,000 annual limit.

Failure to observe these requirements could leave you open to prosecution and you could also be disqualified from office.

### Crimes of Bribery and Corruption

The Crimes Act 1961 makes it an offence for you to corruptly seek or accept a bribe or reward for doing, or not doing, something in your official capacity as an elected member.<sup>13</sup> This includes gifts, money, a job, or anything else that benefits you directly or indirectly.<sup>14</sup>

It is also an offence to obtain any advantage or financial gain from information that you receive in your role as an elected member.<sup>15</sup>

If convicted, you could be imprisoned for up to seven years. You would also be disqualified from office.

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<sup>13</sup> Section 105 Crimes Act

<sup>14</sup> Section 99 Crimes Act

<sup>15</sup> Section 105A Crimes Act

## Secret Commissions

The Secret Commissions Act 1910 makes it an offence for you to take bribes, or use your position as an elected member for improper gain (either for you, or someone else). For example, you cannot:

- accept a gift or something valuable for doing, or not doing, something that affects the council's business;
- interfere with council business, in the hope of getting some reward (eg a gift or something valuable); or
- help someone else commit an offence under the Act.

It is also an offence under the Secret Commissions Act not to disclose if you have a direct or indirect financial interest in a council contract.

If convicted, you could be imprisoned for up to two years or receive a fine of up to \$1,000. You would also be disqualified from office.

## Securities and Insider Trading

The Securities Act 1978 essentially places elected members in the same position as company directors whenever the council offers stock to the public. You may be personally liable if investment documents contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

If any council debt securities are listed on a registered stock exchange, then any elected member cannot use (or benefit from) information that is not generally available to the public.

## Natural Justice

In addition to these statutory requirements, the common law principles of natural justice also apply to elected members. This means that when making decisions as an elected member, you must not be biased (ie treat anyone with fear or favour); you must not have made up your mind about an issue without listening to all the evidence, views and preferences; and you must not be a judge in your own cause.

The exact natural justice requirements will depend on the circumstances.

## Personal Liability of Elected Members

Generally speaking, you are indemnified in respect of your actions as a member of the council. This indemnity (by the council) covers the following matters:

- costs and damages for any civil liability if you are acting in good faith and carrying out the responsibilities or powers of the council; and
- costs arising from any successfully defended criminal action relating to acts or omissions in your capacity as an elected member.<sup>16</sup>

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<sup>16</sup> Section 43 LGA 02

However, as an elected member, you can be made personally liable for council decisions where the council:

- unlawfully spends money;
- unlawfully sells or disposes of an asset;
- unlawfully incurs a liability; or
- intentionally or negligently fails to enforce the collection of money it is lawfully entitled to receive).<sup>17</sup>

If one of these situations occurs, then the Auditor-General may investigate and decide that the situation has resulted in a “loss”. If that occurs, the resulting “loss” is treated as a debt, and the debt must be paid back to the council from each elected member involved in the decision (the debt is recoverable jointly and severally). As an elected member, you have a defence (i.e. you will be indemnified) if you can show that the act or failure which led to the loss occurred:

- without your knowledge;
- with your knowledge but against your protest made at or before the time when the loss occurred;
- contrary to the manner in which you voted on the issue at a council meeting; or
- in circumstances where you acted in good faith and relied on information or professional/expert advice given by a council officer or professional advisor on matters which you reasonably believed were within that person’s competency.<sup>18</sup>

### **Legal advice**

If you require legal advice or assistance on any council matter, please contact your councillor support adviser and/or the council’s General Counsel.

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<sup>17</sup> Section 44 LGA 02

<sup>18</sup> Section 46 LGA 02



## Committee Structure and Chairpersons

File No.: CP2013/24862

### Purpose

1. For His Worship the Mayor to formally report the meeting structure that he has established.

### Executive Summary

2. His Worship the Mayor will provide a report.

### Recommendation/s

That the Governing Body:

- a) receive the report from His Worship the Mayor.

### Attachments

There are no attachments for this report.

### Signatories

Authors	Warwick McNaughton - Principal Advisor - Democracy Services
Authorisers	Marguerite Delbet - Manager Democracy Services Grant Taylor - Governance Director Doug McKay - Chief Executive



## Appointments to LGNZ

File No.: CP2013/24236

### Purpose

1. To make appointments to Local Government New Zealand in view of pending meetings.

### Executive Summary

2. Due to meetings occurring in the November and December period it is desirable to make appointments to LGNZ Zone 1, the Metro Sector and the Regional Sector at this meeting. The Metro Sector is due to meet on 12 November 2013 in Wellington. Zone 1 is due to meet on Thursday 15 November 2013. The Regional Sector is due to meet on 29 November 2013.
3. The LGNZ National Council comprises representatives of the Zones and of the Sector Groups. The Zones make their appointments at Zone meetings. The Sector Group representatives are elected by postal ballot of the member councils. It is recommended that the Governing Body delegate to His Worship the Mayor the authority to make and second nominations and to vote in the sector group elections to the National Council. There is a National Council meeting on 6 December 2013.

### Recommendation/s

That the Governing Body:

- a) appoint representatives to LGNZ Zone 1.
- b) appoint His Worship the Mayor and the Deputy Mayor to represent the Auckland Council at meetings of LGNZ Metro Sector.
- c) appoint a representative to the Regional Sector Group.
- d) delegate to His Worship the Mayor the authority to make, or second, nominations and to vote at elections relating to the LGNZ National Council on behalf of the Auckland Council.

### Discussion

#### LGNZ Zone 1

4. Zone 1 comprises all the member councils in the Northland and Auckland regions. The role of a zone includes being an electoral college for the appointment of members of the national council, receiving reports from LGNZ about matters of national interest to local authorities and communicating to LGNZ the issues and concerns affecting zone members.
5. For the past three terms the chair of Zone 1 has been former councillor Richard Northey.
6. Local Boards also identify representatives to attend Zone 1 meetings.
7. The next meeting will be held on Thursday 15 November 2013.

#### Metro Sector

8. The metropolitan sector comprises all those member councils having populations exceeding 90,000. It has an electoral function in terms of appointments to the national council and addresses issues of relevance to the metro sector.
9. In the past term, the Metro Sector was chaired by Auckland Council's Deputy Mayor Penny Hulse.
10. The next meeting will be held on Tuesday 12 November 2013.

### Regional Sector

11. The Regional Sector Group comprises all regional and unitary councils. In the past term, the council's representative was Councillor Penny Webster.
12. The next meeting will be held on Friday 29 November 2013.

### National Council

13. The President and Vice-President are elected at the Annual General Meeting.
14. The other members of the National Council represent the Zones and Sectors and are elected as follows:
  - a) The representatives of the Sector Groups are elected by postal ballot of each member council.
  - b) The representatives of the Zones are elected at Zone meetings within eight weeks of the elections.

## Consideration

### Local Board Views

15. Local Boards appoint representatives to attend Zone 1 meetings.

### Maori Impact Statement

16. The LGNZ National Council has a subcommittee, Te Maruata, which has the role of promoting increased representation of Māori as elected members of local government, and of enhancing Māori participation in local government processes. It also provides support for councils in building relationships with Iwi, Hapu and Māori groups. Te Maruata provides Māori input on development of future policies or legislation relating to local government. Appointments to Te Maruata are not made by councils, but it is noted that Councillor Alf Filipaina was a member of the subcommittee in the previous term.

## Attachments

There are no attachments for this report.

## Signatories

Authors	Warwick McNaughton - Principal Advisor - Democracy Services
Authorisers	Marguerite Delbet - Manager Democracy Services Grant Taylor - Governance Director Doug McKay - Chief Executive

## Appointments to other entities - general

File No.: CP2013/24471

### Purpose

1. To make any appointments to entities that are necessary at this time due to pending meetings.

### Executive Summary

2. The body of the report gives details about appointments to:
  - a) Aircraft Noise Community Consultative Group (ANCCG)
  - b) Auckland Town Hall Organ Trust
  - c) Friends of the Auckland Botanic Gardens Incorporated
  - d) Hauraki Gulf Forum
  - e) Hauraki Gulf Marine Spatial Plan Project Steering Group
  - f) Kaipara Harbour Joint Political Committee
  - g) Mutukaroa Management Trust
  - h) Ngati Whatua Orakei Reserves Board
  - i) WW1 Centenary Political Steering Group
3. Delegations to local boards in relation to local organisations are attached.

### Recommendation/s

That the Governing Body:

- a) appoint one councillor and an alternate to the Aircraft Noise Community Consultative Group for a term of three years and delegate to His Worship the Mayor the responsibility to agree with AIAL the chairperson of the Group.
- b) reappoint Desley Simpson to the Auckland Town Hall Organ Trust for a further three years.
- c) nominate one member for appointment to the Trust Board of the Friends of the Auckland Botanic Gardens Inc
- d) appoint five members of the Hauraki Gulf Forum and confirm the previous delegation to the Great Barrier Local Board and Waiheke Island Local Board to appoint one member each.
- e) appoint two members to the Hauraki Gulf Marine Spatial Plan Project Steering Group, one of which is a member of the Hauraki Gulf Forum.
- f) appoint one member to the Kaipara Harbour Joint Political Committee.
- g) nominate one member for the Mutukaroa Management Trust and note the delegation to the Maungakiekie-Tamaki Local Board to make the other nomination.
- h) appoint two members to the Ngati Whatua Orakei Reserves Board for a term of three years and appoint one of them as deputy chairperson.
- i) appoint three members to the WW1 Centenary Political Steering Group.
- j) confirm delegations to local boards as attached in Attachment A.

## Discussion

### Aircraft Noise Community Consultative Group (ANCCG)

4. The ANCCG resulted from proposals for a second runway and was formed as a requirement of Designation 231 Auckland International Airport: Land Use Condition 9a and Attachment A Terms of Reference.
5. The Governing Body has the responsibility of appointing one councillor and jointly agreeing with Auckland International Airport Limited on the independent chair. The current chair is Sir Noel Robinson. The Mangere-Otahuhu, Manurewa, Otara-Papatoetoe, Howick and Franklin Local Boards also make appointments. The term is three years.
6. The appointment by the Governing Body for the previous term was Councillor Alf Filipaina. The next meeting of the Group is on 19 November 2013.
7. The Governing Body is asked to appoint one councillor and an alternate to the Aircraft Noise Community Consultative Group for a term of three years and delegate to His Worship the Mayor the responsibility to agree with AIAL the chairperson of the Group.

### Auckland Town Hall Organ Trust

8. At its meeting on 16 December 2010 the Governing Body resolved to appoint Desley Simpson to the Auckland Town Hall Organ Trust as recommended by the Trust, with the appointment to be reviewed following the 2013 triennial elections.
9. The trust was established in 2006. The purpose of the trust is the proper management of the reinstatement of the organ, the ongoing repair and maintenance of the organ and the availability of the organ for use in events, and by organ students, for the benefit of the public. The Trust Deed provides for up to two trustees to be appointed by the Auckland Council (previously Auckland City Council). There is no requirement that they be members of the Auckland Council.
10. The Trust deed provides for trustees to retire at the third AGM of the Trust following their appointment. The Trust AGM is being held on 30 October 2013 at which time Desley's current term would end.
11. The Trust would like Desley to continue. It previously noted that she has excellent relevant skills, especially in marketing, fundraising and management of not for profit organisations. She is also a descendent of the former mayor of Auckland who was the donor of the original organ, and has played the organ at school festivals for many years.
12. The Governing Body is asked to reappoint Desley Simpson to the Auckland Town Hall Organ Trust for a further three years.

### Friends of the Auckland Botanic Gardens Incorporated

13. This is an incorporated society. The management of the Society rests in a trust board (policy and financial matters) and an executive committee (day-to-day operations). There is provision for up to two appointments by the former ARC on the trust board which now fall to the Auckland Council. The appointees must be elected members. The term of office ends at the following local government elections.
14. The Botanic Gardens are a regional facility and are physically located in Hill Road in Manurewa. The Governing Body has previously resolved to delegate the appointment of one of the Auckland Council appointees to the Manurewa Local Board (minute GB/2011/18). The Governing Body previously appointed Sandra Coney and Wayne Walker (as alternate).
15. The Governing Body is asked to nominate one member for appointment to the Trust Board of the Friends of the Auckland Botanic Gardens Inc.

### Hauraki Gulf Forum

16. The Hauraki Gulf Forum is a joint committee established by the Hauraki Gulf Marine Park Act 2000 with the following membership:
- “(2) The forum consists of the following representatives:*
- (a) 1 representative appointed by the Minister [of Conservation]:*
  - (b) 1 representative appointed by the Minister of Fisheries:*
  - (c) 1 representative appointed by the Minister of Maori Affairs:*
  - (ca) 7 representatives appointed by the Auckland Council:*
  - (d) 1 representative appointed by each of the following local authorities:*
    - (iv) Hauraki District Council:*
    - (vi) Matamata-Piako District Council:*
    - (ix) Thames-Coromandel District Council:*
    - (x) Waikato District Council:*
    - (xi) Waikato Regional Council:*
  - (e) 6 representatives of the tangata whenua of the Hauraki Gulf and its islands appointed by the Minister, after consultation with the tangata whenua and the Minister of Maori Affairs.*
- (2A) The representatives appointed in accordance with subsection (2)(ca) must—*
- (a) be members of —*
    - (i) the Auckland Council; or*
    - (ii) a local board of the Auckland Council elected in accordance with the Local Electoral Act 2001; and*
  - (b) include 1 member of each of the Great Barrier Island and Waiheke Island local board”*
17. In the previous term the Governing Body directly appointed: Councillors Chris Fletcher, Sandra Coney, Mike Lee, Des Morrison and Wayne Walker, with Local Board Members Chris Darby and John Kirikiri as alternates. In addition, it delegated the appointment of the Great Barrier Island and Waiheke Island local board representatives, to the respective local boards.
18. The next meeting will be held on 9 December 2013.
19. The Governing Body is asked to appoint five members of the Hauraki Gulf Forum and confirm the previous delegation to the Great Barrier Local Board and Waiheke Island Local Board to appoint one member each.

### Hauraki Gulf Marine Spatial Plan Project Steering Group

20. A two-year Hauraki Gulf Marine Spatial Plan project was officially launched on 9<sup>th</sup> September 2013. Political leadership for the project is by a ‘Project Steering Group’ that reflects a partnership between mana whenua and local and central government agencies. Auckland Council has two representatives on the Project Steering Group.
21. The Steering Group comprises six local government representatives, two central government representatives and eight iwi representatives. The Auckland Council appoints two representatives, one of which must be a member of the Hauraki Gulf Forum.
22. The Governing Body’s previous representatives were Councillor Penny Webster and former councillor Des Morrison. The next meeting will be held on 25 November 2013.
23. The Governing Body is asked to appoint two members to the Hauraki Gulf Marine Spatial Plan Project Steering Group, one of which is a member of the Hauraki Gulf Forum.

### **Kaipara Harbour Joint Political Committee**

24. The management of the Kaipara Harbour under the Resource Management Act is divided between the Auckland Council (southern half) and Northland Regional Council (northern half) for coastal matters; with the Kaipara and Whangarei District Councils, and the Auckland Council responsible for land use. In early 2012 a meeting was hosted by the Rodney Local Board, with Northland Councils, iwi groups (Te Uri o Hau and Ngati Whatua Nga Rima o Kaipara) and Auckland Council to discuss the need for a joint approach to ensure the integrated management of the Kaipara Harbour as a whole.
25. The Committee consists of representatives of:
  - i) Ngati Whatua iwi groups
  - ii) Auckland Council (Governing Body)
  - iii) Rodney Local Board
  - iv) Kaipara District Council
  - v) Whangarei District Council
  - vi) Northland Regional Council
26. The next meeting will be held on 27 November 2013. The Governing Body was previously represented by Councillor Penny Webster.
27. The Governing Body is asked to appoint one member to the Kaipara Harbour Joint Political Committee.

### **Mutukaroa Management Trust**

28. The Mutukaroa Management Trust ("Hamlins Hill (Mutukaroa) Management Trust") was set up by trust deed by the Crown to make decisions on the Hamlins Hill property, which is leased by the Trust to the Auckland Council as a regional park. The trust deed provides for 6 trustees including 1 nominated by the ARC and 1 nominated by Auckland City Council. Auckland Council inherits the nominating rights of both and can nominate 2 trustees.
29. Three other trustees are nominated by the Ngati Whatua Trust Board, Ngati Paoa Trust Board and the Tainui Maori Trust Board. The local MP is also a trustee.
30. The Governing Body previously nominated Sandra Coney and delegated the other nomination to the Maungakiekie-Tamaki Local Board.
31. The next meeting of the Trust has not been set.
32. The Governing Body is asked to nominate one member for the Mutukaroa Management Trust and note the delegation to the Maungakiekie-Tamaki Local Board to make the other nomination.

### **Ngati Whatua Orakei Reserves Board**

33. The Reserves Board is established under the Ngati Whatua Orakei Claims Settlement Act 2012. It is the administering body for an area of reserve of 48 hectares known as whenua rangatira and for the recently transferred Pourewa Creek reserve. The Board has 6 members (or such greater even number as may be agreed between the Ngati Whatua Orakei Trust and the Auckland Council). The Auckland Council appoints half the Board and the Trust appoints half. The term is three years. The Trust appoints the chair and Auckland Council appoints the deputy chair.

34. By previous resolution (GB/2011/19) the Governing Body has delegated the appointment of one member to the Orakei Local Board. The Auckland Council members for the previous term were:
- (i) Councillor Mike Lee (Deputy chair)
  - (ii) Councillor Sandra Coney
  - (iii) Kit Parkinson (appointed by the Orakei Local Board)
35. The next meeting of the Board is on Monday 11 November 2013.
36. The Governing Body is asked to appoint two members to the Ngati Whatua Orakei Reserves Board for a term of three years and appoint one of them as deputy chairperson.

### **WW1 Centenary Political Steering Group**

37. A WW1 Centenary Political Steering Group comprised of councillors, local board members, members of the Independent Maori Statutory Board (IMSB) and a member co-opted from the Auckland War Memorial Museum has been established to provide a leadership and co-ordination role to arrangements for the WW1 Centenary. The Governing Body resolved for Sandra Coney to continue to be the chair.
38. The Steering Group's Terms of Reference sets out the group's role as:
- (i) Providing leadership and direction for the development and implementation of council led initiatives
  - (ii) Fostering and supporting activities of Local Boards, Iwi, community groups and key stakeholders
  - (iii) Assisting with the coordination of activities occurring in the region where possible
  - (iv) Providing a place for the discussion of, and potential response to, national and regional initiatives delivered by other non Auckland Council agencies.
39. Membership (in addition to the chair) consists of:
- (i) Auckland Mayor
  - (ii) Three councillors
  - (iii) Three local board members
  - (iv) Representative of IMSB
40. Previous councillors were Christine Fletcher, Cameron Brewer and Mike Lee.
41. The Minister of Culture and Heritage will be meeting the Group on 15 November 2013.
42. The Governing Body is asked to appoint three councillors to the WW1 Centenary Political Steering Group.

## **Consideration**

### **Local Board Views**

43. One of the functions of local boards is to communicate with community organisations within their areas. Local board members often attend meetings of community organisations to facilitate that communication.
44. Where a document, such as a trust deed, provides for the Auckland Council to make an appointment to an organisation, the appointment is the responsibility of the Governing Body unless it is delegated.
45. Attached is a schedule of appointments made by local boards. The Governing Body is asked to confirm delegations to the relevant local boards.

### Maori Impact Statement

46. Of the ten organisations described in the report, the Hauraki Gulf Forum, Hauraki Gulf Marine Spatial Plan Project Steering Group, Kaipara Harbour Joint Political Committee, Mutukaroa Management Trust and Ngati Whatua Orakei Reserves Board either have express iwi representation or are co-management entities.

### Implementation Issues

47. These appointments need to be made immediately due to upcoming meetings of the respective organisations.

### Attachments

No.	Title	Page
A	Delegations to local boards	25

### Signatories

Authors	Warwick McNaughton - Principal Advisor - Democracy Services
Authorisers	Marguerite Delbet - Manager Democracy Services Grant Taylor - Governance Director Doug McKay - Chief Executive

Delegation to Local Boards to make appointments on behalf of Auckland Council to local organisations:

Community Impact Forum (CIF) for the Wiri Men's Prison	Manurewa
East City Community Trust	Orakei
Friends of Arataki Incorporated	Waitakere Ranges
Glen Eden Railway Restoration Trust	Waitakere Ranges
Greenmount Landfill Community Liaison Group	Howick
Hunua Quarry Ecological Trust	Franklin
Keep Auckland Beautiful Trust	Great Barrier
Keep Waitakere Beautiful	Henderson-Massey Waitakere Ranges Whau
KiwiCan Trust	Manurewa
Mt Eden Methodist Church Charitable Trust	Albert-Eden
Mt Roskill Grammar School Artificial Playing Surface Trust	Puketapapa
North Shore Heritage Trust	Devonport-Takapuna Kaipataki Upper Harbour Hibiscus and Bays
Safe Waitakere Injury Prevention Board	Henderson-Massey
Tag Out Trust	Whau
Waiheke Recreation Centre Trust (charitable entity)	Waiheke
Waitakere Playhouse Theatre Trust	Waitakere Ranges



## Meeting Schedule

File No.: CP2013/24867

### Purpose

1. To determine dates and times of future meetings.

### Executive Summary

2. The Governing Body may meet weekly on 7 and 14 November 2013 by calling extraordinary meetings for those dates. Further meetings of the Governing Body and its committees could commence from 21 November 2013, which is the earliest date a meeting (other than an extraordinary meeting) can be held allowing for the required public notice period.
3. A schedule of meetings from 21 November through to the end of December 2013 will be reported to the next meeting for adoption. It is recommended that the next meeting be held on 7 November 2013.

### Recommendation/s

That the Governing Body:

- a) hold extraordinary meetings on 7 and 14 November 2013 at 10 am in the Town Hall.
- b) note that a schedule of meetings from 21 November 2013 to the end of December 2013 will be reported to the meeting to be held on 7 November 2013.

### Discussion

4. The requirements around giving notice of meetings to members are contained in the Local Government Act 2002. Notice must not be less than 14 days prior to the meeting, or, if a schedule is adopted, not less than 14 days prior to the first meeting on the schedule. Where this notice cannot be given, the meeting is called under the provisions for extraordinary meetings.
5. The requirements around giving notice of meetings to the public are contained in the Local Government Official Information and Meetings Act 1987. A schedule of meetings to be held in a month may be notified not more than 14 days and not less than 5 days before the end of the prior month. Alternatively, a meeting falling on or after the 21<sup>st</sup> of a month may be notified not more than 10 nor less than 5 working days prior to the meeting. Using this latter provision, it is possible for committees to commence meeting from 21 November 2013.
6. It is recommended the Governing Body meet weekly, by way of two extraordinary meetings, until 21 November 2013, when meetings may commence that are properly notified under LGOIMA.

### Consideration

#### Local Board Views

7. The meeting schedule of the Governing Body is a procedural matter.

#### Maori Impact Statement

8. The meeting schedule of the Governing Body is a procedural matter.

## Implementation Issues

9. It is important to get certainty around future meetings so that these can be communicated to the organisation and the public.

## Attachments

There are no attachments for this report.

## Signatories

Authors	Warwick McNaughton - Principal Advisor - Democracy Services
Authorisers	Marguerite Delbet - Manager Democracy Services Grant Taylor - Governance Director Doug McKay - Chief Executive

## Urgent Decision Report - Civil Defence Generators

File No.: CP2013/24861

### Purpose

1. To advise the Governing Body of a decision made under the Urgent Decision Process.

### Executive Summary

2. The Civil Defence and Emergency Management Director was requesting additional capex funding of \$62,000 for the provision of emergency generators at Welfare Centres in Massey Leisure Centre and WestWave Aquatic Centre.
3. An urgent decision was required as a delay would have resulted in a retender of the additional works required and would have incurred an increased cost.
4. Deputy Mayor Penny Hulse and Councillor Penny Webster approved the request on 7 October 2013 under the urgent decision process which was in place during the election period.

### Recommendation/s

That the Governing Body:

- a) note the decision, made under the Urgent Decision Process on 7 October 2013, to approve \$62,000 worth of funding to purchase Civil Defence Generators.

### Attachments

No.	Title	Page
A	Signed Decision	31
B	Original Report	33

### Signatories

Authors	Sarndra O'Toole - Team Leader Governance Support
Authorisers	Marguerite Delbet - Manager Democracy Services Grant Taylor - Governance Director Doug McKay - Chief Executive



**URGENT DECISION OF THE  
GOVERNING BODY**

**Civil Defence Generators Capex Funding Request**

The Civil Defence and Emergency Management Director is requesting additional capex funding of \$62,000 for the provision of emergency generators at Welfare Centres in Massey Leisure Centre and WestWave Aquatic Centre.

**The report recommends:**

That the Governing Body:

- a) receive the report.
- b) approve that the additional budget of \$62,000 for Civil Defence Emergency generators.
- c) agree that the council's budgets be updated to reflect the financial implications of the above decision.

**Reason for urgency:**

An urgent decision is required as delay will result in the need to retender the additional works at increased cost. The final Auckland Council Governing Body meeting of the 2010/2013 term was on Thursday 26 of September 2013 and will convene in the new term after 28 October 2013.

**Decision:**

**That the Governing Body approve the additional budget of \$62,000 for Civil Defence Emergency generators and agree that the council's budgets be updated to reflect the financial implications of this decision.**

Authorised for Release

**Andrew McKenzie  
Chief Finance Officer**



**Doug McKay  
Chief Executive**



Signatories

**Len Brown, JP  
His Worship the Mayor**



**Penny Hulse  
Deputy Mayor**



**Penny Webster  
Chair, Strategy and Finance Committee**



**DATE:** 7 October 2013.



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## Report Name: Civil Defence Generators

File No.:

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### Purpose

1. An urgent decision-making delegation (GB/2013/74) is in place for the period between the final Governing Body meeting on Thursday 26 September and the day the term of office of current members ends on 21 October 2013. Any two of either the Mayor, Deputy Mayor and any Chairperson of a Committee of the Whole, can make decisions on behalf of the Governing Body provided that the decision is not significant.

### Executive Summary

2. The Civil Defence and Emergency Management Director is requesting additional capex funding of \$62k for the provision of emergency generators at Welfare Centres in Massey Leisure Centre and WestWave Aquatic Centre.
3. An urgent decision is required as delay will result in the need to retender the additional works at increased cost.
4. The project is a conservative approach to help provide alternative power arrangements at strategic locations across Auckland. In the event of a significant event affecting our residents, power will be a key lifeline utility service that is likely to be impacted.
5. In the event of major power disruptions due to civil defence emergency disaster, residents will require assistance and support. Without strategically designated facilities located across Auckland (with the capability for alternative power), Civil Defence Emergency Management will be less able to provide coordinated support to residents in their dwellings or to provide safe locations for evacuees.

### Recommendation/s

That the Strategy and Finance Committee:

- a) receive the report
- b) approve that the additional budget of \$62,000 for Civil Defence Emergency Generators
- c) agree that the council's budgets be updated to reflect the financial implications of the above decision.

### Discussion

6. This project was implemented to ensure activation capability of priority welfare facilities in the event of a significant event where power supplies have been compromised and impacted communities require welfare assistance.
7. This project fits with the CDEM department's goals and objectives, and the Ministry of Civil Defence and Emergency Management National strategy: to enhance Civil Defence Emergency Management (CDEM) welfare arrangements for capacity and capability to provide emergency welfare support.
8. Originally, four sites were identified; ASB Stadium, Harbourside Church (North Shore) City Impact Church (Mt Wellington) and Pukekohe Indian Association Hall.
9. The second stage identified the costs for the three remaining sites. These sites are Victory Church, Massey Leisure and West Wave Aquatic centre.

10. It is now understood that there will be a shortfall of approximately \$61,250.00 to complete this project. The current budget allows us to proceed with only one of the remaining three sites (Victory Church).
11. Rates for 2013/2014 have been set with no provision made for accommodating new unbudgeted expenditure items. Any new expenditure committed to will either require reprioritisation of existing budgets or increased borrowing.
12. None of the budget changes proposed in this report will have a material impact on the council's rates requirement, current year operating deficit or projected debt levels

### Consideration

#### Local Board Views

13. Given the need for expedience, Local Boards views have not been sought however there is no reason to assume that they will not be in favour of the proposal.

#### Māori Impact Statement

14. Welfare centres are heavily relied upon by all sections of the community in a disaster including Māori.

#### General

15. Officers do not consider that the decisions or budget adjustments set out in this report are significant for the purposes of the Auckland Council Significance Policy.

### Implementation Issues

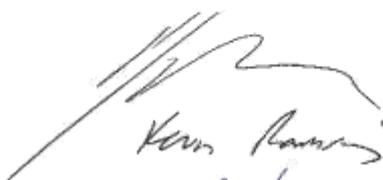
16. Budgets will be amended in core financial systems and used for internal management reporting, regular reporting to councillors and financial control for the 2013/2014 financial year.

### Attachments

There are no attachments for this report.

### Signatories

Authors	Mike Griffiths – Evaluation Manager
Authorisers	Clive Manley – Civil Defence and Emergency Director
	Matthew Walker – Manager Financial Planning, Policy and Budgeting
	Kevin Ramsay – Manager Finance

  
Kevin Ramsay 04/10/13  
  
Matthew Walker  
04/10/13