



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

Date: Thursday, 28 April 2016
Time: 9:30am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Governing Body OPEN AGENDA

MEMBERSHIP

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

(Quorum 11 members)

Elaine Stephenson
Democracy Advisor

20 April 2016

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TERMS OF REFERENCE

Those powers which cannot legally be delegated:

- (a) the power to make a rate; or
- (b) the power to make a bylaw; or
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long term council community plan; or
- (d) the power to adopt a long term plan, annual plan, or annual report; or
- (e) the power to appoint a Chief Executive; or
- (f) the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long term plan or developed for the purpose of the local governance statement; or
- (g) the power to adopt a remuneration and employment policy.

Additional responsibilities retained by the Governing Body:

- (a) approval of a draft long term plan or draft annual plan prior to community consultation
- (b) approval of a draft bylaw prior to community consultation
- (c) resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of electoral officer
- (d) adoption of, and amendment to, the Committee Terms of Reference, Standing Orders and Code of Conduct
- (e) relationships with the Independent Māori Statutory Board, including the funding agreement and appointments to committees.
- (f) approval of the Unitary Plan
- (g) overview of the implementation of the Auckland Plan through setting direction on key strategic projects (e.g. the City Rail Link and the alternative funding mechanisms for transport) and receiving regular reporting on the overall achievement of Auckland Plan priorities and performance measures.

Exclusion of the public – who needs to leave the meeting

Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public

General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.

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1 Affirmation

His Worship the Mayor will read the affirmation.

2 Apologies

Apologies from Cr C Darby and Cr J Watson have been received.

3 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Confirmation of Minutes

That the Governing Body:

- a) confirm the ordinary minutes of its meeting, held on Thursday, 31 March 2016, including the confidential section, as a true and correct record.

5 Acknowledgements and Achievements

His Worship the Mayor will acknowledge the passing of Alec Smith and Kurtis Haiu.

6 Petitions

At the close of the agenda no requests to present petitions had been received.

7 Public Input

Standing Order 7.7 provides for Public Input. Applications to speak must be made to the Democracy Advisor, in writing, no later than **one (1) clear working day** prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of **thirty (30) minutes** is allocated to the period for public input with **five (5) minutes** speaking time for each speaker.

At the close of the agenda no requests for public input had been received.

8 Local Board Input

Standing Order 6.2 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to **five (5) minutes** during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give **one (1) day's** notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 6.1 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.

9 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.”

10 Notices of Motion

At the close of the agenda no requests for notices of motion had been received.

Update on Tripartite Economic Summit 2016

File No.: CP2016/07305

Purpose

1. To provide an update on the planning for the Auckland hosted Tripartite Economic Alliance Summit (Tripartite Summit), 16-17 May 2016.

Executive summary

2. The Tripartite Summit will be attended by Auckland, Guangzhou and Los Angeles city representatives and business leaders.
3. A presentation will be given by Pam Ford, Auckland Tourism, Economic and Events (ATEED) Head of International Partnerships and Trade and Jim Quinn, Head of Strategy, Auckland Council.

Recommendation/s

That the Governing Body:

- a) receive the update on the Tripartite Summit 2016.

Attachments

There are no attachments for this report.

Signatories

Author	Elaine Stephenson - Holly Warren – Manager, Global Partnerships and Strategy
Authoriser	Stephen Town - Chief Executive

2016 local government elections - meetings and decision-making until new committee structure is established

File No.: CP2016/06788

Purpose

1. To note the legal implications of the pending elections on committee and panel meetings.
2. To provide for appropriate delegations between the final governing body meeting and the inaugural meeting of the new Governing Body.

Executive Summary

3. On the day following the official declaration of the election results, the term of office of current members ends and the term of office of new members commences. The declaration is likely to be publicly notified on 15 October 2016.
4. Committees are discharged at the time new members come into office, except for the Civil Defence and Emergency Management Committee.
5. The final governing body meeting is scheduled for 29 September 2016. A governing body meeting has been tentatively scheduled for 6 October 2016, but will not be held unless there is a significant urgent matter to consider.
6. We recommend that delegations be put in place for the period following the final governing body meeting to the end of the term of office of current members, and for the period from the commencement of the term of office of newly-elected members until the inaugural meeting when members are sworn in.
7. All demographic advisory panels will be disestablished one month prior to election day.
8. The term of office of members of the Maunga Authority continues until 6 December 2016.

Recommendation/s

That the Governing Body:

- a) note that the final governing body meeting will be held on 29 September 2016 and that all other normal monthly meetings will cease at the end of September 2016.
- b) note that a tentative governing body meeting has been scheduled for 6 October 2016, but will only be held if a significant and urgent matter requires consideration by the full governing body.
- c) delegate to any two of either the Mayor, Deputy Mayor and a chairperson of a committee of the whole, the power to make, on behalf of the governing body, urgent decisions that may be needed between the final governing body meeting and the day the term of office of current members ends.
- d) note that during the period from the commencement of term of office of new members following the elections until the inaugural meeting of the governing body on 1 November 2016, decision-making will be undertaken by the Auckland Council Chief Executive under current delegations.

Comments

Meetings

9. Following the elections, elected members come into office the day following the official public declaration of the results, which is likely to be 15 October 2016. Committees therefore cease to exist from that date. The incoming mayor then establishes a new committee structure with chairpersons and the governing body makes appointments. This is likely to be soon after the inaugural meeting, which is scheduled for 1 November 2016.
10. The Civil Defence and Emergency Management Committee continues under legislation, and may be convened if required¹.
11. No meetings that are part of the current committee structure and which involve councillors will be scheduled during October 2016.
12. Current councillors' term of office expires when new members come into office. This is likely to be on 16 October 2016, the day after the official declaration of results. Elected members cannot act as members until they have made their statutory declarations at the inaugural meeting on 1 November 2016². From 16 October 2016, re-elected councillors should not attend meetings of any body to which they have been appointed in a formal capacity as a councillor until they have made the statutory declaration.

Advisory panels

13. The Governing Body at its meeting on 19 December 2013 resolved that, apart from the Youth Advisory Panel, all demographic advisory panel members would have a term of three years and that panels would be disestablished one month before council elections (GB/2013/160).
14. Advice will be provided to the incoming Mayor on advisory panels as a mechanism to engage with the diverse communities of Auckland. Once the Mayor has decided whether to re-establish panels and in what form, staff will work on establishing new panels in the first quarter of 2017.

Maunga Authority

15. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, schedule 4, clause 2, states that the term of office of a member of the Maunga Authority ends on the 59th day following local government election day (Tuesday 6 December 2016).
16. Whether the councillors who are presently members of the Maunga Authority are re-elected or not, they will remain members of the Authority until 6 December 2016. However, if they are re-elected the proviso in paragraph 12 will still apply, and the councillors will not be able to make decisions between 16 October and 1 November 2016.
17. Staff will work with the Maunga Authority on meeting dates to avoid meetings between 16 October and 1 November 2016.

Decision-making

18. There are two distinct periods that impact on governing body decision-making:
 - the period from the final governing body meeting until the day after the declaration of the election results, when current members' terms of office expire;
 - the period from the day after the declaration of results, when new members' terms of office commence, until the inaugural meeting on 1 November 2016, when new members will make their statutory declarations.

¹ Section 12(2) Civil Defence Emergency Management Act 2002

² Clause 14, Schedule 7, Local Government Act 2002

19. It is recommended that during the first period, the same arrangements are put in place as for the Christmas close down period. This provides for any decision that would normally involve a political meeting to be made by any two of the mayor, deputy mayor and a chairperson of a committee of the whole. A meeting of the governing body is tentatively scheduled for 6 October 2016, but it will only be held if a significant and urgent matter needs to be considered by the full governing body.
20. During the second period, the Chief Executive will exercise his current delegations. These are expressed as:
- “The Council delegates to the Chief Executive Officer all responsibilities, duties and powers to act on any matter, subject to the restrictions set out in the general rules applying to all delegations - Auckland Council, and excluding those matters in respect of which delegation is prohibited by any Act or regulation, or which are expressly excluded from this delegation at Schedule 1.*
- This delegation does not preclude the Chief Executive Officer from referring for any reason any matter to the governing body or a local board, or a committee (including a subcommittee) of the governing body or a local board, for a decision.”*
21. Schedule 1 of this delegation limits the financial delegation to the Chief Executive acting alone to \$20 million, subject to conditions (for example, expenditure being budgeted).

Consideration

Local Board views and implications

22. Local board meetings, committees and decision-making are affected by the same legislation.³ Local Board Services will manage the arrangements for local boards.

Māori impact statement

23. The matter is an internal procedural matter and does not impact on Māori.

Implementation

24. The recommendations in this report, if approved, will be implemented by Democracy Services.

Attachments

There are no attachments for this report.

Signatories

Author	Warwick McNaughton - Principal Advisor - Democracy Services
Authorisers	Marguerite Delbet - Manager Democracy Services Phil Wilson - Governance Director Stephen Town - Chief Executive

³ The Local Electoral Act 2001 and the Local Government Act 2002 apply to local boards: see sections 11 and 29 Local Government (Auckland Council) Act 2009.