

I hereby give notice that an ordinary meeting of the Council Controlled Organisations Governance and Monitoring Committee will be held on:

Date: Tuesday, 7 June 2016
Time: 9.30am
Meeting Room: Room 1, Level 26
Venue: 135 Albert Street
Auckland

Council Controlled Organisations Governance and Monitoring Committee

OPEN AGENDA

MEMBERSHIP

| | |
|---------------------------|--------------------------|
| Chairperson | Deputy Mayor Penny Hulse |
| Deputy Chairperson | Cr Calum Penrose |
| Members | Cr Anae Arthur Anae |
| | Cr Cameron Brewer |
| | Cr Dr Cathy Casey |
| | Member Precious Clark |
| | Cr Ross Clow |
| | Cr Linda Cooper, JP |
| | Cr Chris Darby |
| | Cr Denise Krum |
| | Cr Dick Quax |
| | Cr Penny Webster |
| | Member Glenn Wilcox |
| | Cr George Wood, CNZM |
| Ex-officio | Mayor Len Brown, JP |

(Quorum 7 members)

Jaimee Maha
Democracy Advisor

31 May 2016

Contact Telephone: (09) 890 8126
Email: jaimiee.maha@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

TERMS OF REFERENCE

Responsibilities

The committee will undertake the Auckland Council's responsibilities for CCOs through:

- Setting policy relating to CCO governance
- Director appointments
- Approving SOIs
- Monitoring performance
- The committee will also have responsibility for the over sight of, and making appointments to, Council Organisations and exempt CCOs and COs

Powers

- (i) All powers necessary to perform the committee's responsibilities.

Except:

- (a) powers that the Governing Body cannot delegate or has retained to itself (see Governing Body responsibilities)
 - (b) where the committee's responsibility is limited to making a recommendation only
- (ii) Power to establish subcommittees.

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 Apologies

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

2 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.

3 Confirmation of Minutes

That the Council Controlled Organisations Governance and Monitoring Committee:

- a) confirm the ordinary minutes of its meeting, held on Tuesday, 29 March 2016, including the confidential section, as a true and correct record.

4 Petitions

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

5 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.

6 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.

7 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.”

8 Notices of Motion

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

Forward Work Programme Update - June 2016

File No.: CP2016/07761

Purpose

1. To receive a progress update on the Council Controlled Organisations Governance and Monitoring Committee forward work programme to the political term ending September 2016.

Executive Summary

2. The Council Controlled Organisations Governance and Monitoring Committee approved its forward work programme at its 1 December 2015 meeting (resolution number COU/2015/93).
3. This report updates the committee on the progress against the forward work programme since the 1 December 2015 meeting.

Recommendation/s

That the Council Controlled Organisations Governance and Monitoring Committee:

- a) receive the Council Controlled Organisations Governance and Monitoring Committee forward work programme June 2016 update.

Attachments

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| A | Forward Work Programme Update - June 2016 | 11 |

Signatories

| | |
|-------------|---------------------------------|
| Authors | Jaimee Maha - Democracy Advisor |
| Authorisers | Stephen Town - Chief Executive |

June 2016

CCO Governance and Monitoring Committee

Forward work programme to the Auckland Council term ending September 2016*

**NB: Information updates will generally be provided by memo or briefing between committee meetings. All non-confidential information provided to the committee, prior to a meeting or in response to a request from a meeting, will be noted in the following agenda.*

| Area of work | Reason for work | Decisions required | Additional Comments / Timings |
|---|--|---|--|
| CCO Governance | | | |
| 1.1 Board Appointments Programme | Statutory requirement | Approve process and forward plan Approve nomination and interview panels Approve shortlist Approve appointments | February to August - Ongoing |
| 1.2 Board Intern Appointments Programme | Board Appointments and Remuneration Policy | Approve process Approve interview panel Approve candidates | February to May – Report due July 2016 |
| 1.3 Statements of Intent (SOIs) | Statutory requirement | Approve shareholder comments on draft SOIs Approve final SOIs | March - Completed August – On schedule |
| CCO Monitoring | | | |
| 2.1 Performance monitoring | Statutory requirement | Receive half year reports Receive fourth quarter reports | March - Completed September – On schedule |
| Legacy CCOs and COs | | | |
| 3.1 Board Appointments Programme Legacy CCOs (MMET; MBCT; MAGS) ¹ | Statutory requirement | Approve process and forward plan (where necessary) Approve nomination and interview panels (where necessary) Approve appointments | February to September – Ongoing |
| 3.2 Statements of Intent (non-exempt legacy CCOs) | Statutory requirement | Approve shareholder comments on draft SOIs Approve final SOIs | March – Completed August – On schedule |
| 3.3 Performance monitoring (non-exempt legacy CCOs) | Statutory requirement | Receive half year reports | Received March – Memo June 2016 |
| Other Arm's-length entities | | | |
| 4.1 Board Appointments Programme (ARAFB; AWMM; MOTAT; TRC) ² | Statutory requirement | Approve appointments | February to September – Ongoing |
| Workshops / Timing | | | |
| 5.1 Auckland Transport | 2 February 2016 | √ | |
| 5.2 ATEED | 3 May 2016 | √ | |
| 5.3 Watercare | 31 May 2016 | Scheduled | |
| 5.4 RFA | 7 June 2016 | Scheduled | |
| 5.5 ACIL | 5 July 2016 | Scheduled | |
| 5.6 Auckland Transport | tbc | | |
| 5.7 Development Auckland (Panuku) | tbc | | |

¹ MMET – Mangere Mountain Education Trust; MBCT – Manukau Beautification Charitable Trust; MAGS – Mount Albert Grammar School Swimming Pool Trust

² ARAFB – Auckland Regional Amenities Funding Board; AWMM – Auckland War Memorial Museum; TRC – Tamaki Redevelopment Company

Item 9

Attachment A

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Council Controlled Organisations Governance and Monitoring Committee:

- a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 Auckland Council Investments Ltd update - Ports of Auckland Ltd director appointments

| Reason for passing this resolution in relation to each matter | Particular interest(s) protected (where applicable) | Ground(s) under section 48(1) for the passing of this resolution |
|--|---|---|
| The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. | s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the presentation of this report will contain personal and private information regarding potential directors. | s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. |

C2 Correction to Board Appointment

| Reason for passing this resolution in relation to each matter | Particular interest(s) protected (where applicable) | Ground(s) under section 48(1) for the passing of this resolution |
|--|---|---|
| The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. | s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the report contains information about the appointment of directors on Auckland Council's CCOs. | s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. |

C3 Board Appointments: Mangere Mountain Education Trust (MMET) and Manukau Beautification Charitable Trust (MBCT)

| Reason for passing this resolution in relation to each matter | Particular interest(s) protected (where applicable) | Ground(s) under section 48(1) for the passing of this resolution |
|--|---|---|
| The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. | s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the report contains private information about the candidates for the positions of trustee in the Mangere Mountain Education Trust and Manukau Beautification Charitable Trust. | s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. |

C4 Board Appointments - Tamaki Redevelopment Company Limited

| Reason for passing this resolution in relation to each matter | Particular interest(s) protected (where applicable) | Ground(s) under section 48(1) for the passing of this resolution |
|--|--|---|
| The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. | s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the report contains information about individuals who have applied for the board vacancies on the Tamaki Redevelopment Company Limited. | s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. |

C5 Shortlist candidates for board appointments on Auckland Council's Council Controlled Organisation (CCOs)

| Reason for passing this resolution in relation to each matter | Particular interest(s) protected (where applicable) | Ground(s) under section 48(1) for the passing of this resolution |
|--|---|---|
| The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. | s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the report contains information regarding the short-listing of candidates for director vacancies on Auckland Councils Council Controlled Organisations and is private information about individual applications. | s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. |