

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

Date: Thursday, 19 April 2018
Time: 9.30am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Tira Kāwana / Governing Body

OPEN AGENDA

MEMBERSHIP

Mayor	Hon Phil Goff, CNZM, JP	
Deputy Mayor	Bill Cashmore	
Councillors	Cr Josephine Bartley	Cr Mike Lee
	Cr Dr Cathy Casey	Cr Daniel Newman, JP
	Cr Ross Clow	Cr Dick Quax
	Cr Fa'anana Efeso Collins	Cr Greg Sayers
	Cr Linda Cooper, JP	Cr Desley Simpson, JP
	Cr Chris Darby	Cr Sharon Stewart, QSM
	Cr Alf Filipaina	Cr Sir John Walker, KNZM, CBE
	Cr Hon Christine Fletcher, QSO	Cr Wayne Walker
	Cr Richard Hills	Cr John Watson
	Cr Penny Hulse	

(Quorum 11 members)

Sarndra O'Toole
Team Leader Governance Advisors

16 April 2018

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Terms of Reference

Those powers which cannot legally be delegated:

- (a) the power to make a rate
- (b) the power to make a bylaw
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long term plan
- (d) the power to adopt a long term plan, annual plan, or annual report
- (e) the power to appoint a chief executive
- (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
- (g) the power to adopt a remuneration and employment policy.

Additional responsibilities retained by the Governing Body:

- (a) approval of long-term plan or annual plan consultation documents, supporting information and consultation process prior to consultation
- (b) approval of a draft bylaw prior to 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 and refresh 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

At the close of the agenda, no apologies had 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, 22 March 2018, including the confidential section and the extraordinary minutes of its meeting, held on Thursday, 29 March 2018, as a true and correct record.

5 Petitions

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

6 Public Input

Standing Order 7.7 provides for Public Input. Applications to speak must be made to the Governance 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.

7 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.

8 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.”

9 Notices of Motion

There were no notices of motion.

Submission on Land Transport Management (Regional Fuel Tax) Amendment Bill (Covering report)

File No.: CP2018/05116

Item 10

Te take mō te pūrongo / Purpose of the report

1. To seek approval of Auckland Council's submission to the Finance and Expenditure Select Committee on the Land Transport Management (Regional Fuel Tax) Amendment Bill.

Whakarāpopototanga matua / Executive summary

2. This is late covering report for the above item. The comprehensive agenda report was not available when the agenda went to print and will be provided prior to the 19 April 2018 Governing Body meeting.

Ngā tūtohunga / Recommendation/s

The recommendations will be provided in the comprehensive agenda report.

Housing Infrastructure Fund - loan application (Covering report)

File No.: CP2018/05443

Item 11

Te take mō te pūrongo / Purpose of the report

1. To seek approval of the council group's loan application for the Government's Housing Infrastructure Fund.

Whakarāpopototanga matua / Executive summary

2. This is late covering report for the above item. The comprehensive agenda report was not available when the agenda went to print and will be provided prior to the 19 April 2018 Governing Body meeting.

Ngā tūtohunga / Recommendation/s

The recommendations will be provided in the comprehensive agenda report.

Te Ākitai Waiohua - Treaty settlement redress

File No.: CP2018/05228

Item 12

Te take mō te pūrongo / Purpose of the report

1. To provide a high-level outline of matters relating to the Crown's proposed Treaty settlement redress for Te Ākitai Waiohua that will be presented to the Governing Body in the confidential agenda.

Whakarāpopototanga matua / Executive summary

2. The Crown is seeking the views of Auckland Council on proposed Te Tiriti o Waitangi / Treaty of Waitangi settlement redress for Te Ākitai Waiohua over Crown land vested in or controlled and managed by Auckland Council. The Treaty settlement process is designed to resolve historical grievances against the Crown and, in doing so, provide redress to claimant groups.
3. Te Ākitai Waiohua signed an Agreement in Principle with the Crown on 13 December 2016 and are presently completing negotiations with the Crown to sign a deed of settlement. The Agreement in Principle set out reserve lands the Crown proposed to provide Te Ākitai Waiohua as Treaty settlement redress, either by transfer or by granting statutory acknowledgements.
4. Since the signing of the Agreement of Principle the Crown determined some of the proposed redress sites were not suitable to use as redress. A limited number of alternative sites were subsequently introduced into the proposed settlement package.
5. The proposed settlement package includes transfer to Te Ākitai Waiohua of three Crown-owned scenic reserves controlled and managed by Auckland Council. The reserves proposed for transfer will retain reserve status and be administered by Auckland Council.
6. The Crown also proposes to grant statutory acknowledgements over eight other reserves. Statutory acknowledgements relate to resource consent applications for activities that are within, adjacent to or impact directly on statutory areas. They place procedural rather than substantive obligations on consent authorities. Granting statutory acknowledgements does not change the ownership or administration of reserves.
7. The proposed redress lies across four local board areas: Franklin, Papakura, Māngere-Ōtāhuhu, and Waitemātā. All local boards have been consulted and have passed resolutions supporting the proposed redress.
8. Details of the Te Ākitai Waiohua settlement package are currently subject to the confidentiality afforded Treaty settlement negotiations. Auckland Council views are sought by the Crown on the understanding that confidentiality is respected.
9. In the confidential section of today's Governing Body agenda, further detail on the proposed redress and the reasons for it will be provided. Local board views, Māori impacts, financial implications, and risks, are also described. The recommendation is made that council support the proposed redress.

Ngā tūtohunga / Recommendation/s

That the Governing Body:

- a) note there is a confidential report on this meeting agenda, providing information and recommendations regarding the Crown's proposed Treaty settlement redress for Te Ākitai Waiohū involving Crown-owned reserve lands either vested in or administered and controlled by Auckland Council
- b) note the confidential report contains information provided by the Crown to council in confidence on the understanding the information is negotiation sensitive between hapū / iwi and the Crown – if confidential information is made available, it will prejudice both those negotiations and the provision of similar information to council in the future.

Ngā tāpirihanga / Attachments

There are no attachments for this report.

Ngā kaihaina / Signatories

Author	John Hutton - Manager Treaty Settlements
Authorisers	Phil Wilson - Governance Director Stephen Town - Chief Executive

Chief Executive's Employment Review Process

File No.: CP2018/04508

Item 13

Te take mō te pūrongo / Purpose of the report

1. To advise the Governing Body of its options in relation to the expiry of the Auckland Council Chief Executive's employment contract, and to consider a request from the Appointments, Performance Review and Value for Money Committee to amend that committee's Terms of Reference to enable it to conduct an employment review of the Chief Executive.

Whakarāpopototanga matua / Executive summary

2. The Chief Executive's employment contract expires on 31 December 2018. The Governing Body has two options:
 - publicly advertise the vacancy for a new five-year term, or
 - extend Mr Town's current contract by up to a further two years without the need to advertise a vacancy.
3. A local authority cannot automatically reappoint the Chief Executive on expiry of their contract. Under the Local Government Act 2002 (LGA 2002) the Governing Body must first complete an employment review of the Chief Executive. This should be completed not less than six months before the expiry of the Chief Executive's contract. For Auckland Council this would need to be completed by 30 June 2018.
4. Under Schedule 7 of the LGA 2002, the employment review must assess:
 - the performance of the Chief Executive
 - the mix of skills and attributes possessed by the Chief Executive, and the degree to which they are consistent with the skills and attributes that the council considers necessary for the future
 - any other factors the council considers relevant.
5. It is the Governing Body's responsibility to ensure the employment review is completed within the required timeframes. The Governing Body can either undertake the employment review itself or it can ask the Appointments Performance Review and Value for Money Committee (APRVFM Committee) to complete the review on its behalf. A review by the APRVFM Committee would be consistent with the intent of that committee.
6. Ultimately, only the Governing Body can appoint the Chief Executive and so the decision to advertise a vacancy or extend the Chief Executive's contract can only be made by the Governing Body. The APRVFM Committee's role would be to manage the Chief Executive's employment review process and to make a recommendation to the Governing Body.
7. The APRVFM Committee's delegation is not broad enough to fulfil the Schedule 7 obligations. The APRVFM Committee's Terms of Reference need to be amended to include the employment review.
8. If agreed by the Governing Body, the proposed timetable for the employment review is:
 - 19 April 2018: The Governing Body receives advice on the Chief Executive's terms of employment and agreement is sought to amend the APRVFM Committee's Terms of Reference to undertake an employment review.
 - 3 May and 7 June 2018: The APRVFM Committee receives advice to support its conversation with the Chief Executive, and the committee completes the employment review requirements under the LGA 2002 by 30 June 2018.

- from late June 2018: The Governing Body receives advice from the APRVFM Committee and considers its options in relation to the Chief Executive's contract.
9. The APRVFM Committee considered advice at its meeting on 4 April 2018, and recommends the options contained in this paper to the Governing Body.
 10. Staff recommend the remainder of the Governing Body's discussion on the process for the employment review is conducted in the confidential section of the meeting. This is because it may include discussion of the Chief Executive's current or past performance, changes to the Chief Executive's contract, changes to the Chief Executive's employment terms and conditions, and details relating to the recruitment of the Chief Executive in 2013.

Ngā tūtohunga / Recommendations

That the Governing Body:

- a) note the contents of this report.
- b) note that staff recommend the Governing Body's discussion is conducted in the confidential section of the meeting to enable the Governing Body and the Chief Executive to discuss aspects relating to the Chief Executives current and past performance, the terms and conditions of the Chief Executive's contract, and other matters that may relate to the employment of the Chief Executive.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

11. Responsibility for employing the Chief Executive rests with the Governing Body. The APRVFM Committee recommended that the views of Local Boards are sought as part of the employment review.
12. Local Board Chairs were informed of the process on 9 April 2018 and were advised that feedback would be sought from them subject to the outcome of the Governing Body's decision on 19 April 2018.

Tauākī whakaaweawe Māori / Māori impact statement

13. The Chief Executive plays a key role in discharging Auckland Council's Treaty of Waitangi and statutory obligations to Māori. Those obligations are reflected in the Chief Executive's current performance objectives which expire on 31 December 2018.
14. The Independent Māori Statutory Board Chair (IMSB) Chair has requested that the IMSB contribute to the employment review process.

Ngā ritenga ā-pūtea / Financial implications

15. There are no financial implications associated with this process report.

Ngā raru tūpono / Risks

16. The risks associated with the approach outlined in this report is one of timeliness. It is a legislative requirement that the council undertake an employment review not less than six months before the expiry of the Chief Executive's contract.
17. There is sufficient time to complete the employment review process by 30 June 2018. This is predicated on the APRVFM Committee undertaking the employment review. Therefore, it is important that the Governing Body modifies the APRVFM Committee's Terms of Reference to ensure the APRVFM Committee has at least two formal meetings to consider the review in partnership with the Chief Executive.

18. It is recommended that the Governing Body consider the advice of the APRVFM Committee as soon as practicable after the employment review is completed in June 2018. This is to provide certainty to the Chief Executive, staff and stakeholders. Alternatively, a new recruitment process will take at least six months and this needs to be considered against the expiry of Mr Town's contract in December 2018.

Ngā koringa ā-muri / Next steps

19. The next steps are subject to the decisions of the Governing Body. An outline of the proposed next steps and key dates are contained in paragraph 8 of this report.

Ngā tāpirihanga / Attachments

There are no attachments for this report.

Ngā kaihaina / Signatories

Author	Patricia Reade - Director People and Performance
Authoriser	Phil Wilson - Governance Director

Summary of Governing Body information memos and briefings - 19 April 2018

File No.: CP2018/00240

Item 14

Te take mō te pūrongo / Purpose of the report

1. To receive a summary and provide a public record of memos or briefing papers that may have been distributed to Governing Body members.

Whakarāpopototanga matua / Executive summary

2. This is a regular information-only report which aims to provide greater visibility of information circulated to Governing Body members via memo-briefing or other means, where no decisions are required.
3. The following memos/responses were circulated to members:
 - 9/4/18 – Update on the Accountability Review of Council-controlled Organisations
 - 9/4/18 – Mayoral Housing Taskforce Update
4. The following workshops/briefings have taken place:
 - 29/3/18 – America’s Cup CONFIDENTIAL
5. This document can be found on the Auckland Council website, at the following link:
<http://infocouncil.aucklandcouncil.govt.nz/>
 - at the top of the page, select meeting “Governing Body” from the drop-down tab and click “View”;
 - under ‘Attachments’, select either the HTML or PDF version of the document entitled ‘Extra Attachments’.
6. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Governing Body members should direct any questions to the authors.

Ngā tūtohunga / Recommendation/s

That the Governing Body:

- a) receive the Summary of Governing Body information memos and briefings – 19 April 2018.

Ngā tāpirihanga / Attachments

No.	Title	Page
A⇒ 	Memo - Update on the Accountability Review of Council-controlled Organisations (<i>Under Separate Cover</i>)	
B⇒ 	Memo - Mayoral Housing Taskforce Update (<i>Under Separate Cover</i>)	

Ngā kaihaina / Signatories

Authors	Sandra O’Toole - Team Leader Governance Advisors
Authorisers	Stephen Town - Chief Executive

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

a)

That the Governing Body:

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 CONFIDENTIAL: Te Ākitai Waiohua - Treaty settlement redress

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)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest.	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 CONFIDENTIAL: Chief Executive's Employment Review Process

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. s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). In particular, the report contains information that relates to the Chief Executive's employment review process. Committee members may discuss matters relating to the Chief Executive's current performance, changes to the Chief Executive's contract, and the terms and conditions of the Chief Executive's employment.	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.

