

I hereby give notice that an ordinary meeting of the Performance and Appointments Committee will be held on:

Date: Tuesday, 12 March 2024
Time: 10.00am
Meeting Room: Room 1, Level 26
Venue: 135 Albert Street
Auckland

Komiti mō ngā Kopounga me Te Kounga o ngā Mahi / Performance and Appointments Committee

OPEN AGENDA

MEMBERSHIP

Chairperson	Cr Daniel Newman, JP
Deputy Chairperson	Cr Mike Lee
Members	Mayor Wayne Brown Cr Christine Fletcher, QSO Cr Lotu Fuli Cr Richard Hills Cr Greg Sayers Cr John Watson Cr Maurice Williamson
Ex-officio	Deputy Mayor Desley Simpson, JP Houkura Chair David Taipari

(Quorum 4 members)

Duncan Glasgow
Kaitohutohu Mana Whakahaere Matua /
Senior Governance Advisor

7 March 2024

Contact Telephone: +64 021579761
Email: Duncan.Glasgow@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

ITEM	TABLE OF CONTENTS	PAGE
1	Ngā Tamōtanga Apologies	5
2	Te Whakapuaki i te Whai Pānga Declaration of Interest	5
3	Te Whakaū i ngā Āmiki Confirmation of Minutes	5
4	Ngā Petihana Petitions	5
5	Ngā Kōrero a te Marea Public Input	5
6	Ngā Kōrero a te Poari ā-Rohe Pātata Local Board Input	5
7	Ngā Pakihi Autaia Extraordinary Business	5
8	Review of the Forward Work Programme - Performance and Appointments Committee	7
9	Process to make appointments to the boards of Council Organisations	13
10	Te Whakaaro ki ngā Take Pūtea e Autaia ana Consideration of Extraordinary Items	

PUBLIC EXCLUDED

11	Te Mōtini ā-Tukanga hei Kaupare i te Marea Procedural Motion to Exclude the Public	19
C1	CONFIDENTIAL: Shortlist of candidates for Auckland Transport director	19
C2	CONFIDENTIAL: Watercare Services Limited Board reappointments and criteria	19

1 Ngā Tamōtanga | Apologies

2 Te Whakapuaki i te Whai Pānga | Declaration of Interest

3 Te Whakaū i ngā Āmiki | Confirmation of Minutes

Click the meeting date below to access the minutes.

That the Performance and Appointments Committee:

- a) whakaū / confirm the ordinary minutes of its meeting, held on [Tuesday, 13 February 2024](#), including the confidential section, as a true and correct record.

4 Ngā Petihana | Petitions

5 Ngā Kōrero a te Marea | Public Input

6 Ngā Kōrero a te Poari ā-Rohe Pātata | Local Board Input

7 Ngā Pakihi Autaia | Extraordinary Business

Review of the Forward Work Programme - Performance and Appointments Committee

File No.: CP2024/00875

Item 8

Te take mō te pūrongo

Purpose of the report

1. To arotake / review and tuhi / note progress on the 2024 Performance and Appointments Committee forward work programme appended as Attachment A of the agenda report.

Whakarāpopototanga matua

Executive summary

2. The forward work programme for the Performance and Appointments Committee adopted by the committee at its meeting held on 18 April 2023 (Resolution number [PACCC/2023/19](#)) and reviewed on 19 September 2023 (Resolution number [PACCC/2023/69](#)). It was agreed that the forward work programme would be reported for information and reviewed on a six-monthly basis.
3. All committees have been requested to review their forward work programme, by the end of March 2024.
4. Following approval, all committee forward work programmes will be reported to the Governing Body in April and October each year, for oversight as per the Terms of Reference.
5. The current forward work programme for the Performance and Appointments Committee is appended as Attachment A.
6. Following the approval of the forward work programme, it will be reported to the Governing Body, for oversight as per the Terms of Reference.

Ngā tūtohunga

Recommendation/s

That the Performance and Appointments Committee:

- a) riro / receive and arotake / review the progress on the 2024 forward work programme as appended in Attachment A of the agenda report.
- b) whakaae / approve the updated forward work programme.

Ngā tāpirihanga

Attachments

No.	Title	Page
A	Performance and Appointments Committee - Forward Work Programme	9

Ngā kaihaina

Signatories

Author	Duncan Glasgow - Kaitohutohu Mana Whakahaere / Governance Advisor
Authoriser	Anna Bray - Acting Director - Governance and CCO Partnerships

Performance and Appointments Committee / Komiti mō ngā Kopounga me Te Kounga o ngā Mahi Forward Work Programme 2024

This committee has the oversight to make appointments to Council-Controlled Organisations (CCOs), Council Organisations (COs), Port of Auckland Limited and exempt CCOs and COs and other entities, with the exception of Auckland International Airport Limited (for the avoidance of doubt, the authority to make appointments also includes the power to remove appointees).

The full terms of reference can be found here: [Auckland Council Governing Body Terms of Reference](#)

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2024												
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
CCO and Port of Auckland Director Appointments and Reappointments CCO Governance and External Partnerships	In accordance with Auckland Council's Appointment and Remuneration Policy for Board Members of Council Organisations (the policy – which is a requirement as per, Section 57(1) of the Local Government Act 2002 (LGA)). The committee are to make appointments and approve policies related to Council-Controlled Organisations.	To approve: - Appointment - Reappointment - briefs for vacancies - Panel members - Shortlisted candidates for interview Progress to date: Watercare reappointments link to decision. Eke Panuku reappointments link to decision.	As and when required												
CCOs Non-substantive CCO Governance and External Partnerships	<ul style="list-style-type: none"> Te Tuhi Contemporary Arts Foundation Taumata Toi a Iwi Manukau Beautification Trust In accordance with Auckland Council's Appointment and Remuneration Policy for Board Members of Council Organisations (the policy – which is a requirement as per, Section 57(1) of the Local Government Act 2002 (LGA)). The committee are to make appointments and approve policies related to Council-Controlled Organisations.	To approve appointments Progress to date:	As and when required												
Appointments and Remuneration Policy Review CCO Governance and External Partnerships	In accordance with Auckland Council's Appointment and Remuneration Policy for Board Members of Council Organisations (the policy – which is a requirement as per, Section 57(1) of the Local Government Act 2002 (LGA)). The committee are to make appointments and approve policies related to Council-Controlled Organisations.	To approve policies related to appointments and remuneration policy. Progress to date Scope of review agreed December 2023 [PACCC/2023/90]													

Item 8

Attachment A

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2024											
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Auckland Regional Amenities Funding Board CCO Governance and External Partnerships	The Auckland Regional Amenities Funding Act 2008 (the Act) established a model for funding ten specified regional amenities. The Act established two administrative bodies, the Funding Board and the Amenities Board. Council appoints 6 members of the ARAFA Board. The appointments are to replace or renew directors whose terms are expiring.	To approve appointments Progress to date Reappointments approved February 2024 link to decision												
Auckland War Memorial Museum CCO Governance and External Partnerships	Auckland Council makes 5 appointments to the AWMM Board. The appointments are to replace or renew directors whose terms are expiring.	To approve appointments Progress to date												
Board Interns CCO Governance and External Partnerships	In 2013, Auckland Council approved a director intern programme known as the board intern programme. 1 per substantive CCO	To approve appointments Progress to date:												
Chief Executive Performance Objectives Group Services	Chief Executive performance review process.	Half-yearly and yearly review of Chief Executives Performance Objectives. (April / September) Quarterly reporting (June / November) Draft and final FY25-27 objectives. (April / July) Informal updates (all other months) Progress to date: Informal update provided in February 2024.												
City Rail Link Limited (CRL) CCO Governance and External Partnerships	Auckland Council is a joint shareholder with the Crown and jointly appoints directors with the Crown.	To approve appointments Progress to date:												
Museum of Transport and Technology (MOTAT) CCO Governance and External Partnerships	Auckland Council makes 6 appointments to the MOTAT Board. The appointments are to replace or renew directors whose terms are expiring.	To approve appointments Progress to date:												

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2024												
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Tamaki Redevelopment Company CCO Governance and External Partnerships	Auckland Council is a joint shareholder with the Crown. Council has one director it is responsible for appointment, and jointly appoints with the Crown the other directors. The appointments are to replace or renew directors whose terms are expiring.	To approve appointments Progress to date: Reappointments approved February 2024 link to decision													

Item 8

Attachment A

Process to make appointments to the boards of Council Organisations

File No.: CP2024/01442

Item 9

Te take mō te pūrongo

Purpose of the report

1. To receive information about the processes to make board appointment decisions considered in the confidential part of this meeting.

Whakarāpopototanga matua

Executive summary

2. Confidential reports on this agenda seek decisions regarding appointments to the board of Auckland Transport and Watercare Services Limited.

Ngā tūtohunga

Recommendation/s

That the Performance and Appointments Committee:

- a) tuhi ā-taipitopito / note the information about appointment processes contained in this report and note that reports on this agenda seek decisions regarding appointments to the Auckland Transport board and Watercare Services Limited board
- b) tuhi ā-taipitopito / note that these reports are confidential due to the personal information regarding candidates that they contain.

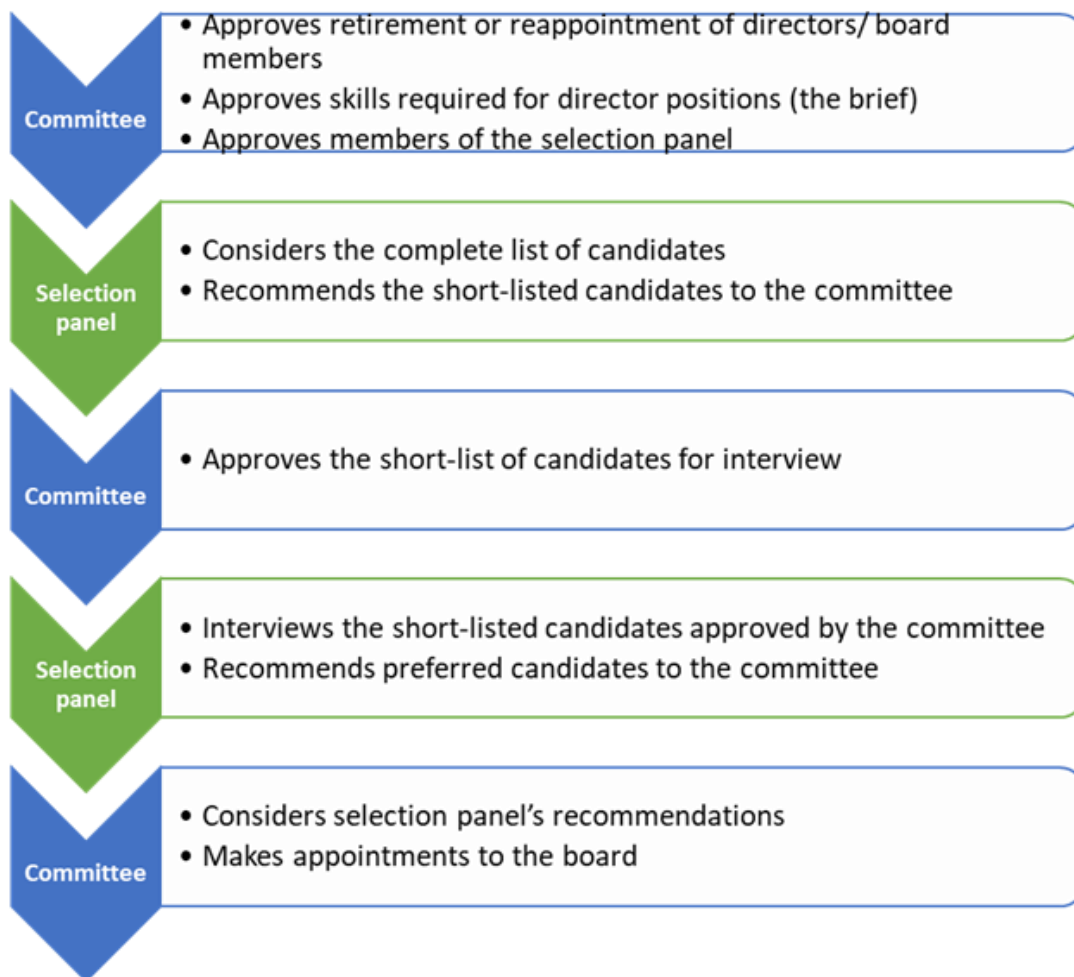
Horopaki

Context

3. Council makes appointments to council controlled organisations in accordance with the Appointment and Remuneration Policy for Board Members of Council Organisations (the Policy).
4. The process for making appointments is described in Figure 1 below.

Figure 1: Appointment process

Item 9



5. Board members serve a term of three years and may be reappointed to further terms.

Tātaritanga me ngā tohutohu Analysis and advice

6. Confidential reports on this agenda seek the decisions noted in Table 1:

Table 1: Overview of decisions sought in confidential reports

Entity name	Decision sought	Previous decisions
Auckland Transport	Approval of a short-list of candidates to interview for current vacancies on the Auckland Transport board.	Criteria for selecting candidates was approved by this committee in November 2024 [PACCC/2023/83]
Watercare Services Limited	Approval of reappointments and setting criteria for selecting new board members	None

Tauākī whakaaweawe āhuarangi **Climate impact statement**

7. Auckland Council's Te-Tāruke-ā-Tāwhiri: Auckland's Climate Plan was adopted in July 2020 and sets out the priority action areas to deliver our goals to reduce emissions and adapt to the impacts of climate change.
8. CCOs are responsible for delivering services to Aucklanders. Each CCO is accountable for ensuring their planning and decisions reflect the action areas outlined in Te-Tāruke-ā-Tāwhiri.
9. Candidates seeking appointment need to demonstrate a commitment to integrate the action areas outlined in Te Tāruke-ā-Tāwhiri into the CCO's activities.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera **Council group impacts and views**

10. The appointment of the best possible directors to boards will have a positive impact on the council group.

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

11. Board appointments to the entities considered in the confidential reports are a responsibility that sits with the Governing Body. Local Boards may participate in the nomination process for board vacancies and criteria are circulated to local boards to allow their participation in the nomination process.

Tauākī whakaaweawe Māori **Māori impact statement**

12. Kia ora Tāmaki Makaurau sets as a mahi objective that: "Mana whenua and Māori are active partners and participants at all levels of the council group's decision making". This objective is considered as part of the decision making for each of the confidential items on this agenda.

Ngā ritenga ā-pūtea **Financial implications**

13. There are no new financial implications arising from the confidential reports.

Ngā raru tūpono me ngā whakamaurutanga **Risks and mitigations**

14. There are risks common to all board appointments. These include:
 - Reputational risk of appointing candidates without appropriate skills or governance experience. To mitigate this potential risk, a thorough due diligence process is in place.
 - Governance risk of creating an unbalanced board where too many new members cause a loss of institutional knowledge which impacts decision-making. Conversely, retaining board members for too long can mean the board lack innovation and fresh thinking.

Ngā koringa ā-muri **Next steps**

15. Next steps are noted in the confidential agenda report.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

Author	James Stephens - Senior Advisor
Authorisers	Alastair Cameron - Manager - CCO Governance & External Partnerships Anna Bray - Acting Director - Governance and CCO Partnerships

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

That the Performance and Appointments Committee

- a) whakaae / agree to 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: Shortlist of candidates for Auckland Transport director

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 personal information regarding candidates for the Auckland Transport board.	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: Watercare Services Limited Board reappointments and criteria

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 personal information regarding Watercare Services Limited board members.	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.