

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

Date: Tuesday, 16 April 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

11 April 2024

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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, 12 March 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

Delegation to approve a short-list of Watercare Services Limited Chair candidates

File No.: CP2024/02819

Te take mō te pūrongo Purpose of the report

1. To delegate the approval of the short-list of chair candidates for Watercare Services Limited.

Whakarāpopototanga matua Executive summary

2. The Performance and Appointments Committee approved criteria for the selection of the Watercare Services Limited Chair on 12 March 2024 [[PACCC/2024/14](#)]. The role was advertised from 21 March and closes on 21 April 2024.
3. The appointed selection panel has yet to review the long-list of candidates nor able to recommend a short-list to this committee meeting. The selection panel consists of Mayor Wayne Brown, Deputy Mayor Desley Simpson, Houkura Independent Māori Statutory Board Chair - David Taipari, Auckland Council Chief Executive - Phil Wilson and the Mayor's Chief of Staff - Max Hardy.
4. The Appointments and Remuneration Policy for Board Members of Council Organisations allows this committee to delegate the power to approve a short-list (to the committee chair, deputy chair and the chair of Houkura Independent Māori Statutory Board) to allow decisions to be made promptly.
5. Delegating the approval of the short-list of candidates, in this instance, will enable the selection panel to promptly proceed with the interviews and make an appointment recommendation to this committee by 14 May 2024.

Ngā tūtohunga Recommendation/s

That the Performance and Appointments Committee:

- a) tautapa / delegate the approval of a short-list of candidates for chair Watercare Services Limited to the chair and deputy chair of this committee and chair of Houkura Independent Māori Statutory Board.

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

Process to make appointments to the boards of Council Organisations

File No.: CP2024/03437

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 boards of the following entities:
 - Auckland Transport
 - Tāmaki Redevelopment Company
 - 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:
 - i) appointments to the board of Auckland Transport
 - ii) criteria for making appointments to the board of Tāmaki Redevelopment Company
 - iii) appointments of directors to the board of Watercare Services Limited
- b) tuhi ā-taipitopito / note that these reports are confidential due to the personal information regarding candidates that they contain.

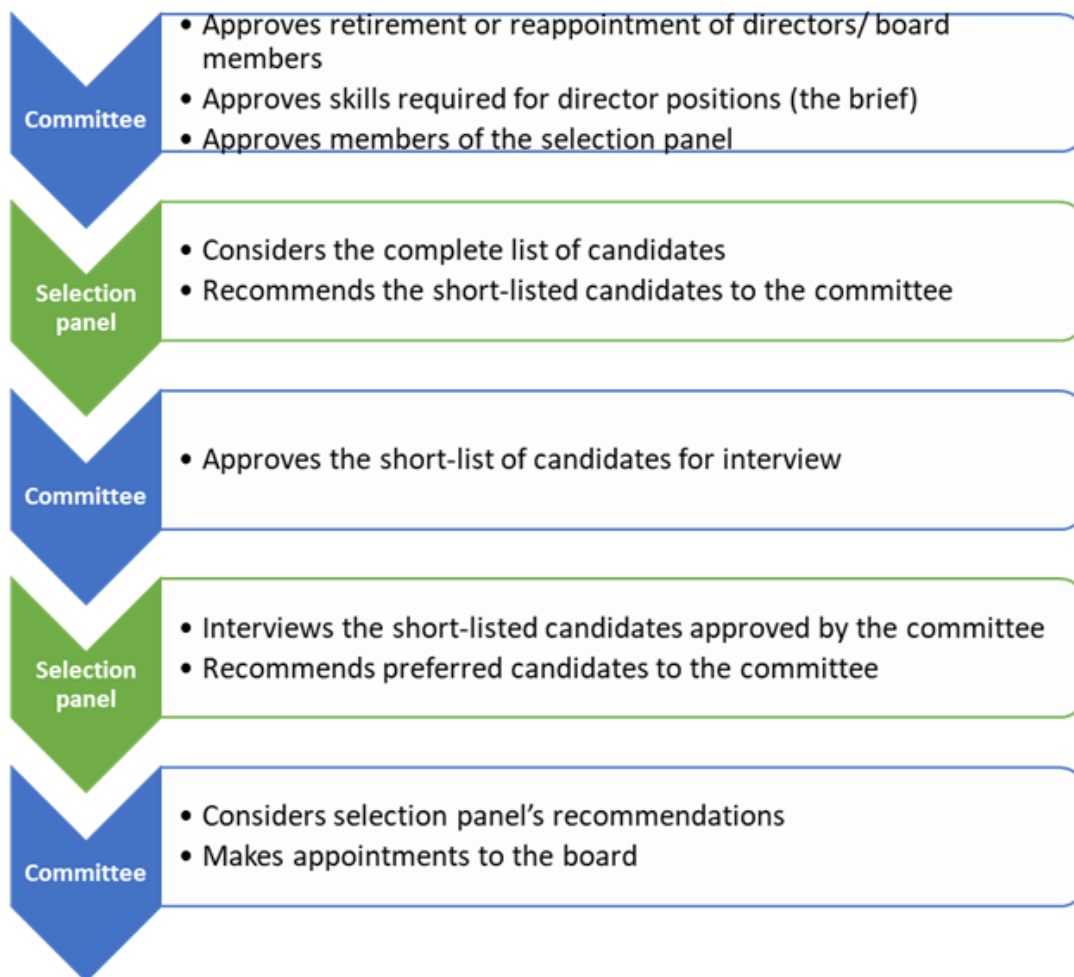
Horopaki

Context

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

Figure 1: Appointment process

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5. Board members serve a term of three years and may be reappointed to further terms.
6. Appointments to the Tāmaki Redevelopment Company are made jointly with the Crown.

Tātaritanga me ngā tohutohu Analysis and advice

7. The confidential reports on this agenda consider the decisions noted in Table 1:

Table 1: Overview of decisions sought in the confidential reports

Entity name	Decision sought	Previous decisions
Auckland Transport	Appointment of directors to the Auckland Transport Board	<ul style="list-style-type: none"> Approval of criteria November 2023 [PACCC/2023/83] Approval of a candidate short-list March 2024 [PACCC/2024/13]
Tāmaki Redevelopment Company	Agreement of appointment processes for 2024	<ul style="list-style-type: none"> None
Watercare Services Limited	Approval of a short list of director candidates	<ul style="list-style-type: none"> Approval of criteria November 2023 [PACCC/2023/85]

Tauākī whakaaweawe āhuarangi **Climate impact statement**

8. 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.
9. 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.
10. 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**

11. 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**

12. 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**

13. 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**

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

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

15. 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**

16. Next steps regarding appointments to the respective organisations are noted in the confidential agenda reports.

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

Summary of Performance and Appointments Committee information memoranda, workshops and briefings (including the Forward Work Programme) - 16 April 2024

File No.: CP2024/03442

Item 10

Te take mō te pūrongo Purpose of the report

1. To tuhi ā-taipitopito / note the progress on the forward work programme appended as Attachment A.
2. To whiwhi / receive a summary and provide a public record of memoranda or briefing papers that may have been distributed to the Performance and Appointments Committee.

Whakarāpopototanga matua Executive summary

3. This is a regular information-only report which aims to provide greater visibility and openness and transparency of information circulated to Performance and Appointments Committee members via memoranda/briefings or other means, where no decisions are required.
4. There were no information items distributed.
5. The following workshops/briefings took place:

Date	Subject
13/3/2024	Review of the Appointments and Remuneration Policy for Board Members of Council Organisations

6. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Performance and Appointments Committee members should direct any questions to the authors.

Ngā tūtohunga Recommendation/s

That the Performance and Appointments Committee:

- a) tuhi ā-taipitopito / note the progress on the forward work programme appended as Attachment A of the agenda report
- b) whiwhi / receive the Summary of Performance and Appointments Committee information memoranda and briefings.

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Ngā tāpirihanga Attachments

No.	Title	Page
A⇒	Forward Work Programme	
B⇒	Workshop: Review of the Appointments and Remuneration Policy for Board Members of Council Organisations - notes and presentation	

Ngā kaihaina Signatories

Author	Duncan Glasgow - Kaitohutohu Mana Whakahaere Matua / Senior Governance Advisor
Authoriser	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 director candidates for Watercare Services 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 personal information regarding candidates for the Watercare 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: Appointment of directors to the Auckland Transport board (Covering report)

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 about 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.

C3 CONFIDENTIAL: Tāmaki Redevelopment Company appointment processes for 2024

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 Tāmaki Redevelopment Company 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.

C4 CONFIDENTIAL: Approval of the process to develop the Chief Executive performance objectives FY25 - FY27 and an update on progress report against the Interim Objectives for FY24

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
<p>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.</p>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>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).</p> <p>In particular, the report contains information that relates to the performance objectives for the chief executive, and the committee may discuss matters relating to the chief executive's current performance</p>	<p>s48(1)(a)</p> <p>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.</p>