

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBER
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 17 MARCH 2010,
COMMENCING AT 9.30AM,**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	CONFLICTS OF INTEREST	1
4	PRESENTATION	1
5	FEEDBACK ON AUCKLAND TRANSITION AGENCY DISCUSSION DOCUMENTS ON LOCAL BOARDS AND COUNCIL-CONTROLLED ORGANISATIONS	2

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBER
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 17 MARCH 2010,
COMMENCING AT 9.30 AM**

1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Council by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to check that no such conflicts arise in relation to any items on this agenda.



4 PRESENTATION

The Deputy Mayor will present a certificate to Mr Ian Davis who is retiring from the Council after 45 years of service. Ian started work with the Waitemata County Council in 1965 as a general labourer and has since worked on numerous sewerage and stormwater projects. He is currently Council's Asset Inspector.



5 **FEEDBACK ON AUCKLAND TRANSITION AGENCY DISCUSSION DOCUMENTS ON LOCAL BOARDS AND COUNCIL-CONTROLLED ORGANISATIONS**

GLOSSARY

Auckland Transition Agency	(ATA)
Council-controlled organisation	(CCO)
Local Government (Tamaki Makaurau Reorganisation) Act 2009	(LG(TMR)Act)
Local Government (Auckland Council) Act 2009	(LG(AC)Act)
Local Government (Auckland Law Reform) Bill	(LG(ALR)Bill)
Auckland Transition Agency Discussion Document – Auckland Council local boards	(local boards discussion document)
Auckland Transition Agency Discussion Document Council- controlled organisations of Auckland Council	(CCOs discussion document)

EXECUTIVE SUMMARY

The purpose of this report is to confirm the process and direction for the Council's feedback on the Auckland Transition Agency Discussion Document - Council-controlled organisations of Auckland Council (CCOs discussion document and the Auckland Transition Agency Discussion Document Auckland Council - local boards (local boards discussion document).

RECOMMENDATIONS

It is recommended that the Council resolves to:

1. **Receive** the Feedback on Auckland Transition Agency Discussion Documents on Local Boards and Council-Controlled Organisations report.
2. **Note** the establishment of a governance group comprising Councillors Hulse, Neeson, Clews, Mitchell and Cooper, and Community Board Chairmen Elizabeth Grimmer and Gayle Marshall, to work with officers on the feedback on the Auckland Transition Agency discussion documents on local boards and council-controlled organisations and any future feedback or submissions on governance related matters.
3. **Agree** to adjourn the Council meeting for a workshop on the Auckland Transition Agency Discussion Document – Auckland Council local boards and the Auckland Transition Agency Discussion Document – Council-controlled organisations of Auckland Council.
4. **Agree** to accept, in principle, the matters raised in the workshop and to include these in the Council's feedback to the Auckland Transition Agency.
5. **Agree** to delegate to the Deputy Mayor and the Chairman of the Long Term Council Community Plan and Annual Plan Committee authority to approve the Council's feedback on the Auckland Transition Agency Discussion Document – Council-controlled organisations of Auckland Council.
6. **Agree** to delegate to the Deputy Mayor and the Chairman of the Long Term Council Community Plan and Annual Plan Committee authority to approve the Council's feedback on the Auckland Transition Agency Discussion Document – Auckland Council local boards.

BACKGROUND

1. Three pieces of legislation were developed to give effect to the Government's decisions on Auckland governance - the Local Government (Tamaki Makaurau Reorganisation) Act 2009 (LG(TMR)Act), the Local Government (Auckland Council) Act 2009 (LG(AC)Act) and the Local Government (Auckland Law Reform) Bill (LG(ALR)Bill). The Council submitted to the Royal Commission on Auckland Governance and on the Local Government (Auckland Council) Bill and LG(ALR) Bill.
2. The LG(TMR)Act and LG(AC)Act have begun the process of transitioning existing Auckland councils to the unitary Auckland Council on 1 November 2010 and dissolving the existing councils from the close of the preceding day. The Auckland Transition Agency (ATA) was set up under the LG(TMR)Act with duties and functions including to plan and manage all matters in relation to the reorganisation to ensure that the Auckland Council is ready to function on and from 1 November 2010. As part of this planning for the Auckland Council, the ATA has developed a number of discussion documents. The Council has provided feedback on these documents to date.
3. The local boards discussion document was released for feedback on 26 February 2010 and the CCOs discussion document was released for feedback on 1 March 2010. Feedback on these two ATA discussion documents closes on 26 March 2010. These documents have been separately circulated to all Members and can be accessed on the ATA website: www.ata.govt.nz.

DECISION MAKING

4. The Council's feedback is guided by policy decisions developed as part of the Council's submissions to the Royal Commission on Auckland Governance, and on legislation relating to Auckland Governance and ATA discussion documents. Council's feedback is directed at making the Auckland Council strong and effective by ensuring that local boards are purposeful and effective units of government and that council-controlled organisations (CCOs), where established, are better connected to the purposes of the Auckland Council and local boards.
5. The local boards discussion document sets out the ATA's proposals on local boards and on the initial allocation of decision making responsibilities for non-regulatory activities, primarily guided by LG(AC)Act with some modification and clarification in the LG(ALR)Bill.
6. The LG(AC)Act sets out the roles of the governing body the Auckland Council and local boards. The LG(AC)Act does not prescribe a specific list of activities for local boards. Instead, it contains the strong principle that decision making for all non-regulatory activities should be undertaken by local boards, unless a regional approach would better promote the wellbeing of Auckland communities.
7. The CCOs discussion document outlines the proposals of the ATA for the rationalisation of CCOs in the new Auckland Council and it sets out the structure for the CCOs as follows:
 - Council Investments;
 - Economic Development, Tourism and Events;
 - Major Regional Facilities;
 - Property Holdings; and
 - Waterfront Development Agency.

8. Council has informally agreed to establish a governance group to work with Council officers on current and any future submissions or ATA feedback relating to governance issues. It is anticipated that there may be further ATA discussion documents developed as well as changes to the Local Government Act 2001 arising from the Transparency, Accountability and Financial Management Review proposed by Central Government.
9. The concept of a governance group was discussed at the Communication and Facilitation meeting held on 2 March 2010 and the following membership proposed Councillors Hulse, Neeson, Clews, Mitchell and Cooper, and Community Board Chairmen Elizabeth Grimmer and Gayle Marshall. This group would assist Council officers in seeking and providing Elected Member feedback on governance related issues.
10. A workshop will be held during this Council meeting to discuss the Council's feedback on the ATA discussion documents. Information gathered from this workshop will be incorporated into the Council's response to the ATA discussion documents. Further discussion will be held with the governance group in finalising the Council's feedback.

STRATEGIC CONTEXT

11. The LG(TMR)Act and LG(AC)Act have begun the process of transitioning existing Auckland councils to the unitary Auckland Council on 1 November 2010 and dissolving the existing councils from the close of the preceding day. The ATA was set up under the LG(TMR)Act with duties and functions including to plan and manage all matters in relation to the reorganisation to ensure that the Auckland Council is ready to function on and from 1 November 2010.

CONSULTATION

12. The timetable for developing the Council's feedback is tight. There will be limited opportunity to consult more widely on the preparation of Council's feedback, although officers are taking the opportunity to ascertain the views of Waitakere Enterprise, Waitakere Properties Limited and other councils on a number of matters. Key dates are:

Activity	Key Dates
Council meeting and workshop to discuss Council feedback	17 March 2010
Submission confirmed by governance group	22-24 March 2010
Feedback due	5pm 26 March 2010

Table 1: Timeline

RESOURCES

13. All resources required for the preparation of the feedback are being met from existing budgets.

IMPLEMENTATION ISSUES

14. There are no other implementation issues related to this report.

AUCKLAND COUNCIL TRANSITION ISSUES

15. While the feedback to the ATA on the discussion documents may impact on Auckland governance, the decision making proposed in this report is not constrained by section 31 of the LG(TMR)Act, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

Report prepared by: Lesley Jenkins, Deputy Director: Strategic Planning.

