



**Far North
District Council**



Te Kaunihera o Te Hku o te Ika

AGENDA

Extraordinary Council Meeting

Tuesday, 26 March 2024

Time: 3.00pm
Location: Kaikohe Memorial Hall
Memorial Ave
Kaikohe

Membership:

Kahika - Mayor Moko Tepania - Chairperson
Kōwhai - Deputy Mayor Kelly Stratford
Cr Ann Court
Cr Felicity Foy
Cr Hilda Halkyard-Harawira
Cr Babe Kapa
Cr Penetaui Kleskovic
Cr Steve McNally
Cr Mate Radich
Cr Tāmami Rākena
Cr John Vujcich

**Far North District Council
Extraordinary Council Meeting
will be held in the Kaikohe Memorial Hall, Memorial Ave, Kaikohe on:
Tuesday 26 March 2024 at 3.00pm**

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1 KARAKIA TIMATANGA / OPENING PRAYER

Ka tuku mātou kia kaha mai ngā māngai kua whiriwhirihia mō Te Kaunihera o Te Hiku o te Ika ki te mahi me te ngākau auaha me te whakamahi i ngā pūkenga me te mātauranga i roto i ngā wānanga me ngā whakataunga kia whakatūria ai tētahi Hapori e matatika ana, e tū kotahi ana ka mutu ka whakapiki anō i te oranga o tō tātou rohe, ka whakatau anō i ngā take o te rohe i runga i te tika me te pono.

We ask that through Council discussions and decisions the representatives we have elected may govern the Far North District with imagination, skill and wisdom to achieve a fairer and more united Community that enhances the wellbeing of our district and solves the District's problems efficiently and effectively.

2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST

Members need 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 review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Manager - Democracy Services (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

3 NGĀ TONO KŌRERO / DEPUTATIONS

No requests for deputations were received at the time of the Agenda going to print.

4 NGĀ KŌRERO A TE KAHIKA / MAYORAL ANNOUNCEMENTS

5 NGĀ PŪRONGO / REPORTS

5.1 FAR NORTH HOLDINGS LIMITED BOARD APPOINTMENTS

File Number: A4633081

Author: Jonathan Slavich, Chief Financial Officer

Authoriser: Emma Healy, Executive Officer

TAKE PŪRONGO / PURPOSE OF THE REPORT

This report seeks to gain approval to extend the appointments of Murray McCully and Sarah Petersen on a short-term basis up to a maximum term of six months to 30 September 2024 to allow for a proposed governance review of Far North Holdings Limited (FNHL), an Appointments Committee to be stood up, and the appointment process to be carried out.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Murray McCully and Sarah Petersen are experienced members of the Far North Holdings Limited (FNHL) Board and are reaching end of term on 31 March 2024.
- Both parties have indicated a desire to continue on the Board of FNHL.
- To best ensure continuity of the FNHL Board the recommendation seeks approval to provide a short-term extension, up to maximum term of six months to 30 September 2024.

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) **endorse the extension of tenure for Murray McCully and Sarah Petersen on a short-term basis up to a maximum term of six months to 30 September 2024 to allow for a governance review of FNHL to be conducted, and an Appointments Committee to be stood up, and the appointment process to be carried out.**
- b) **establish an “Appointment to Council Organisation Committee” in line with the Appointment and Remuneration of Directors of Council Organisations Policy (#2117).**
- c) **make the following appointments to the Committee;**
 - i) **External Commercial Advisor**
 - ii) **Council representative #1**
 - iii) **Council representative #2**

1) TĀHUHU KŌRERO / BACKGROUND

To best ensure continuity of the FNHL Board a short-term extension for Murray McCully and Sarah Petersen up to a maximum term of six months to 30 September 2024 is recommended.

A maximum term of six months is recommended to allow sufficient time to:

- Conduct a proposed governance review of FNHL;
- Stand up the Appointments Committee; and
- The appointment process to be carried out.

This timing would also better ensure continuity through year end, audit, and annual report process, of which some key Director functions would be carried out.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Proposed governance review of FNHL

The review purpose is to assess the current structure of FNHL and their subsidiaries to ensure the current structure and Board makeup is fit for purpose.

Appointment Committee

The Appointment and Remuneration of Directors of Council Organisations Policy (#2117) was approved by the Strategy and Policy Committee and Council in September 2021. The policy states the following in relation to the appointment of directors:

3. Appointments Committee

As soon as practicable after each local body triennial election, or as otherwise required, the Council will establish an Appointments Committee for the purpose of recommending the appointment of directors to Council Controlled Organisations. The members of the committee will comprise the chairperson of the CCO board, an external commercial advisor (or similar) with relevant experience and knowledge, and up to two other members nominated by the Council. These members would ideally be Councillors with an interest in CCO's and one of these appointees would be appointed as the Chair of the Appointments Committee.

Council would need to establish a Committee to appoint the Directors to the FNHL Board.

Historically, the Committee has consisted of four members:

- FNHL Chair or alternate Director.
- An external commercial advisor – this has typically been in the Assurance, Risk and Finance Committee, given there is an independent member of that Committee, and monitoring of FNHL is delegated to this committee.
- Two elected members to be nominated by Council. As above, given the relationship with the Assurance, Risk and Finance Committee, two elected members within this Committee have typically been nominated.

Guidance on these appointments is now sought.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

To ensure continuity of the FNHL Board to allow for a governance review of FNHL to be conducted, and an Appointments Committee to be stood up, and the appointment process to be carried out.

To formally establish the Committee to make the appointment of Directors to the FNHL Board.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

No specific implications identified or confirmed at this stage. Any costs arising from the appointment process will be met from existing budgets.

ĀPITIHINGA / ATTACHMENTS

Nil

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The Appointment and Remuneration of Directors of Council Organisations (Policy #2117)
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This is a District Wide issue and not relevant to one particular community board
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	The board of a CCO should be made up of a diverse range of people who are able to bring relevant expertise to the organisation. For the board to be fully effective, it should comprise directors with a range of complementary skills and experience to ensure that ideas are challenged and tested, and that decision-making is robust.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	As above
State the financial implications and where budgetary provisions have been made to support this decision.	No specific implications identified or confirmed at this stage
Chief Financial Officer review.	The Chief Financial Officer has prepared this report.

6 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED**RESOLUTION TO EXCLUDE THE PUBLIC**

RECOMMENDATION		
That the public be excluded from the following parts of the proceedings of this meeting.		
The general subject matter 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 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:		
General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 - Solid Waste Services Contract Award	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
6.2 – Te Huia Executive Review Committee – General Employment Matters	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

7 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER**8 TE KAPINGA HUI / MEETING CLOSE**