

Notification of a Late Agenda Item to the Buller District Council Meeting 30 October 2024.

A report titled Retrospective Appointment of Proxy Vote for 2024 BHL AGM will be coming before Council as an item that is considered as a major late item at this meeting.

Section 46A(1)-(6) of the Local Government Official Information and Meetings Act 1987 and Standing Order 9.8 require that agendas are distributed with the associated reports. As this report was not distributed with the agenda for this meeting, it must be treated as a major late item to be considered at this meeting.

In accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 9.12, a procedural resolution is required before a major item that is not on the agenda for the meeting may be dealt with.

In accordance with section 46A(7)(b)(i) the reason why the item was not on the agenda is because it came to light after the agenda had been distributed.

BULLER DISTRICT COUNCIL

30 OCTOBER 2024

AGENDA ITEM: 14

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RETROSPECTIVE APPROVAL OF THE APPOINTMENT OF PROXY VOTE FOR COUNCIL- BULLER HOLDINGS LIMITED ANNUAL GENERAL MEETING 2024

1. REPORT PURPOSE

This report proposes the retrospective appointment of the Mayor and Deputy Mayor to vote on behalf of the Council as the shareholder of Buller Holdings Limited and its subsidiaries at the 2024 Annual General Meeting which was held on 30 October 2024

2. DRAFT RECOMMENDATION

That retrospective approval be given to appoint the Mayor Jamie Cleine, or the Deputy Mayor, Andrew Basher, in the Mayor's absence, as the proxy vote for the Council at the 2024 Annual General Meeting for Buller Holdings Limited and its subsidiaries, which was held on 30 October 2024 .

3. BACKGROUND

The Council holds full ownership of Buller Holdings Limited, which wholly owns its subsidiaries, Westreef Limited and Buller Recreation Limited. Each company is required to hold an annual general meeting (AGM) to report on activities for the 12-month period ending 30 June 2024.

This report seeks retrospective approval for the Council's proxy voting actions at these AGMs, as the meetings have already taken place. Due to the timing of information received, we were unable to seek prior approval within the standard timeframe.

As the sole shareholder, the Council voted on various resolutions at the AGMs, which were procedural in nature and included:

- Adoption of the previous AGM's minutes,
- Appointment or reappointment of directors,
- Approval of dividend or subvention payments,
- Appointment of auditors, and
- Adoption of the 2023 annual report.

Since the Council, as a shareholder, is an entity rather than an individual, a proxy vote was utilised in accordance with Council's instructions, primarily ensuring compliance with constitutional matters as noted above.

Appointing the Mayor, or the Deputy Mayor in their absence, as the Council's proxy vote was deemed appropriate to uphold consistency and accountability in these governance matters. For any non-standard matters, reports were reviewed and direction provided to the proxy vote as required.

4. OPTION

There are two options the Committee could consider about this report:

Option 1 Support the recommendation

Option 2 Failing to approve the proxy voter retrospectively will result in the vote being retracted, and it will not count toward any of the resolutions passed at the AGM. This may impact the formal record of the Council's position on key procedural matters, such as director appointments and financial approvals, and could necessitate further action to confirm the Council's intentions.

5. CONSIDERATIONS

5.1 Strategic Alignment

Not relevant to this report.

5.2 Significance Assessment

Not relevant to this report

5.3 Tangata Whenua Considerations

The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value. Therefore, this decision does not specifically impact Tangata Whenua, their culture, and traditions.

5.4 Risk Management Implications

Receiving this paper and acting on the recommendations is a key part of managing the various risks that the Council has in owning a Council-controlled organisation.

5.5 Policy Framework Implications

Accepting this paper does not provide Council with a significant risk but failing to give retrospective approval will mean that the Council won't have a vote on record.

5.6 Legal Implications

There are no legal implications with this report and the recommendation.

5.7 Financial / Budget Implications

Most of this work outlined in this report can be undertaken using Council staff resources.

5.8 Consultation Considerations

There is no consultation with the public required on this issue.