

<b>Decision released from confidential session</b>			
<b>Recommendation from (agenda report)</b>	<b>Date of meeting</b>	<b>Recommendation to (decision-making meeting)</b>	<b>Date of meeting</b>
		Community and Recreation Committee	30 June 2022
<b>Report Title and number</b>			
Nelson Centre of Musical Arts - Appointment of Trustees (R26663)			
<b>Documents released</b>			
Report (R26663) and decision (CAR/2022/032)			
<b>Decision</b>			
That the Community and Recreation Committee			
<ol style="list-style-type: none"> <li>1. Receives the report Nelson Centre of Musical Arts - Appointment of Trustees (R26663) and its attachments (A284857, A2893388, A2905733 and A2905736); and</li> <li>2. Supports the recommendation of the Appointment Panel and approves the appointment of Amanda Crehan as Trustee of the Nelson Centre of Musical Arts for a three-year term ending July 2025; and</li> <li>3. Supports the recommendation of the Appointment Panel and approves the appointment of Maria Fillary as Trustee of the Nelson Centre of Musical Arts for a three-year term ending July 2025; and</li> <li>4. Thanks Mark Christensen for his service to Nelson Centre of Musical Arts, since December 2014; and</li> <li>5. Agrees that the Report (R9958) and decision be made publicly available after the Annual General Meeting of the Nelson Centre of Musical Arts, on 28 July 2022; and</li> <li>6. Agrees that the attachments A2905733 and A2905736 remain confidential to protect the privacy of the Appointees.</li> </ol>			

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Item 1: Nelson Centre of Musical Arts - Appointment of Trustees

Community and Recreation  
Committee



30 June 2022

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REPORT R26663

## Nelson Centre of Musical Arts - Appointment of Trustees

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### 1. Purpose of Report

- 1.1 To approve recommendations of the interview panel for the appointment of two new Trustees to the Nelson Centre of Musical Arts (NCMA), for three-year terms ending July 2025.
- 1.2 To acknowledge the service of Mark Christensen as NCMA Council Appointed Trustee, since December 2014.

### 2. Recommendation

*That the Community and Recreation Committee*

1. ***Receives the report Nelson Centre of Musical Arts - Appointment of Trustees (R26663) and its attachments (A284857, A2893388, A2905733 and A2905736); and***
2. ***Supports the recommendation of the Appointment Panel and approves the appointment of Amanda Crehan as Trustee of the Nelson Centre of Musical Arts for a three-year term ending July 2025; and***
3. ***Supports the recommendation of the Appointment Panel and approves the appointment of Maria Fillary as Trustee of the Nelson Centre of Musical Arts for a three-year term ending July 2025; and***
4. ***Thanks Mark Christensen for his service to Nelson Centre of Musical Arts, since December 2014; and***
5. ***Agrees that the Report (R9958) and decision be made publicly available after the Annual General Meeting of the Nelson Centre of Musical Arts, on 28 July 2022; and***
6. ***Agrees that the attachments A2905733 and A2905736 remain confidential to protect the privacy of the Appointees.***

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### 3. Exclusion of the Public

3.1 This report has been placed in the confidential part of the agenda in accordance with section 48(1)(a) and section 7 of the Local Government Official Information and Meetings Act 1987. The reason for withholding information in this report under this Act is to:

- Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person

### 4. Background

4.1 The Nelson Centre of Musical Arts (NCMA), previously known as the Nelson School of Music (NSOM), established a Transitional Board following the resignation of the previous Board on 1 August 2014. The Transitional Board was tasked with addressing constitutional issues and adopted an amended set of rules on 2 December 2014.

4.2 Section 7 of the Nelson School of Music Trust rules states that the affairs of the Trust shall be controlled by a Board of Trustees comprising six trustees, including:

*7.7 Two Trustees appointed by the Nelson City Council (the Appointed Trustees) who may appoint and maintain in office (but not exceeding a period of nine years) the appointed trustees provided that the trustees appointed shall be interested in and able to promote the objectives of the Trust.*

4.3 The following are current trustees of the NCMA:

- Jan Traves: Chairperson, first appointed June 2015, current term ends July 2024 (Member Trustee)
- Lissa Cowie: first appointed February 2020, current term ends June 2023 (Member Trustee)
- Alex Davidson: first appointed November 2018, current term ends November 2023 (Trustee Appointment)
- Alastair Kerr: first appointed February 2020, current term ends February 2023 (Trustee Appointment)
- Mark Christensen: first appointed December 2014, term extended to 30 June 2022 (Council Appointed Trustee)

4.4 At the NCMA Board meeting of 15 September 2021, the Board formally accepted the resignation of Council Appointed Trustee, Gary O'Shea, due to personal reasons.

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- 4.5 NCMA Chair, Jan Trayes, then advised Council of the resignation, and a recruitment process was undertaken. This process did not result in the identification of a suitable appointee for the role, which left the NCMA Board with one trustee short.
- 4.6 The second Council Appointed Trustee, Mark Christensen, was also due to retire in December 2021, meaning the NCMA Board would from that date be short two trustees, with both being Council Appointed Trustees.
- 4.7 At the Community and Recreation Committee meeting on 2 December 2021, it was therefore resolved to extend the term of Mr Christensen, with his agreement (Resolution 2, CAR/2021/001):

Resolved CAR/2021/002

2. *Appoints Mark Christensen as a Trustee for the Nelson Centre of Musical Arts for an extended term of up to six months, while recruitment is taking place for two Council appointed Trustees*

- 4.8 This recruitment process has now taken place. Two suitable candidates are recommended to this Committee for appointment.

## 5. Discussion

- 5.1 The recruitment of Council Appointed Trustees to the NCMA Board follows the appointment process outlined in Council's policy, 'Appointment of Directors/Trustees of Council Controlled Organisations and Council Controlled Trading Organisations' (Attachment 1).
- 5.2 While the NCMA is a 'Council Organisation', rather than a 'Council-Controlled Organisation', this approach is consistent with the Local Government Act 2002, as Council has the right to appoint two trustees to the entity (LGA 2002 6(b)(ii)).
- 5.3 Council has now undertaken recruitment for the two trustees, following the process set out in Council's policy (Attachment 1, s.4). This process included:
- 5.3.1 Confirmation of the interview panel, by email on 22 February 2022, to remain the same as for the first round of recruitment: Councillor Tim Skinner, Chair of the Community and Recreation Committee, NCMA Chair Jan Trayes, NCMA Board Member Alastair Kerr.
- 5.3.2 Services undertaken by recruitment company, including local and national advertising, screening interviews, longlisting, shortlisting and providing interview support.
- 5.3.3 At longlisting, Mr Kerr stepped aside due to a conflict of interest.

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- 5.3.4 Councillor Trudie Brand being appointed to the interview panel, approved by Acting Mayor Judene Edgar, Chair Community and Recreation Committee Tim Skinner and Group Manager Community Services Andrew White, 4 April 2022.
- 5.3.5 Longlist and shortlisting undertaken by Councillor Tim Skinner, Councillor Trudie Brand and NCMA Chair Jan Trayes, April 2022.
- 5.3.6 Interviews undertaken by Councillor Tim Skinner, Councillor Trudie Brand, and NCMA Chair Jan Trayes, various dates, May 2022.
- 5.4 As requested by the NCMA Chair and Board, consideration was given to the need for appointees with a legal background to complement the existing Board's skill set; and/or an active interest in fundraising (Attachment 2); in addition to requirements set out in Council's policy and the Trust's Deed.
- 5.5 Four qualified candidates were presented for the longlist of potential interviewees. This was reduced to three qualified candidates who were progressed to interview.
- 5.6 This process complies with the process set out in Council's policy and the Trust's Deed.
- 5.7 The interview panel noted the very high quality of candidates interviewed, their complementary skills and suitability for the roles.
- 5.8 The recommended candidates are:
  - 5.8.1 Amanda Crehan, who has prior governance experience, general management skills, legal experience and an interest in music, including as a performer at NCMA (Attachment 3).
  - 5.8.2 Maria Fillary, who has prior governance experience, expertise in event and destination marketing, and has worked for iwi organisations, as well as a personal interest in music and arts (Attachment 4).
- 5.9 While neither candidate has extensive fundraising experience, the Interview Panel were satisfied that overall these candidates met the NCMA requirements and had applicable skill and experience.

## **6. Options**

- 6.1 The Committee can agree to accept the recommended trustee appointments, or it could decline to accept one or both of the recommended candidates.

**Option 1: The Committee can accept the recommendation to appoint both trustees (Recommended option)**

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Advantages	<ul style="list-style-type: none"><li>• Ensures the NCMA has sufficient qualified Trustees to meet its purpose and objectives.</li><li>• Ensures the trustee appointments are not further delayed, and can be announced at the NCMA AGM on 28 July 2022.</li><li>• Confirms that the process has identified suitable candidates.</li><li>• Provides stability and direction for the NCMA for the period ahead.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• No risks or disadvantages of note are identified.</li></ul>
<b>Option 2: The Committee can decide to not accept the recommendation to appoint both trustees</b>	
Advantages	<ul style="list-style-type: none"><li>• Presents an opportunity to return to market in case different or better candidates apply.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• Negative public perception that the process and advertising did not secure suitable candidates.</li><li>• Two vacancies will remain on the NCMA Board, as Mark Christensen has confirmed his retirement.</li><li>• Cost of a further appointment process.</li><li>• Causes uncertainty for the NCMA Trust for the period ahead. The NCMA will not have a full complement of trustees.</li><li>• Other candidates may not be better.</li></ul>

## 7. Next Steps

- 7.1 The recommended candidates and NCMA Board will be informed of the decisions made.
- 7.2 The appointees will attend the NCMA Board meeting on 20 July 2022.
- 7.3 The appointments will be announced at the Annual General Meeting on 28 July 2022, and by NCMA through online, social or other media, prior.
- 7.4 The decisions made will be released from public excluded, following the Annual General Meeting on 28 July 2022.

**Author: Tanya Robinson, Strategic Adviser Community Services**

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### **Attachments**

Attachment 1: A284857 - Appointment of Directors\_Trustees of Council Controlled Organisations and Council Controlled Trading Organisations Policy - 20Mar2018

Attachment 2: A2893388 - Attributes required for NCMA Trustee roles - request from Chair and Board NCMA 18Feb2022

Attachment 3: A2905733 - Amanda Crehan Candidate Report NCMA 2022

Attachment 4: A2905736 - Maria Fillary Candidate Report NCMA 2022

Released 28 June 2023

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### Important considerations for decision making

#### Fit with Purpose of Local Government

Appointing suitably qualified trustees to the Boards of Council Organisations helps to ensure sound management of important community assets.

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#### Consistency with Community Outcomes and Council Policy

The recommendations are in line with the Council policy.

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The appointment of Trustees aligns with the Community Outcomes, 'Our communities have opportunities to celebrate and explore their heritage, identity and creativity', and 'Our communities have access to a range of social, educational and recreational facilities and activities'.

#### Risk

The risk for approving the recommended Trustees is low as a robust recruitment and appointments process has been followed, as set out in Council's policy and the Trust's Deed.

#### Financial impact

The cost of recruitment will be met from approved budgets.



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The cost of recruitment will be met from approved budgets.

### **Degree of significance and level of engagement**

This matter is of low significance because it complies with the process set out in Council policy and the Trust's Deed. There is no identified need for further consultation or engagement.

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### **Climate Impact**

This decision will have no impact on the ability of Council to proactively respond to the impacts of climate change now or in the future.

This decision will have no impact on the ability of Council to proactively respond to the impacts of climate change now or in the future.

### **Inclusion of Māori in the decision making process**

No engagement with Māori has been undertaken in preparing this report.

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### **Delegations**

The Community and Recreation Committee has the following delegations to consider:

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*Areas of Responsibility:*

- *Governance of Nelson City Council Controlled Organisations and Council Organisations, within the areas of responsibility:*
  - *The Nelson Centre of Musical Arts*