
Governing Body

OPEN MINUTES

Minutes of a meeting of the Governing Body held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Thursday, 19 December 2013 at 10.00am.

PRESENT

Mayor	Len Brown, JP	
Deputy Mayor	Penny Hulse	
Councillors	Cr Anae Arthur Anae	
	Cr Cameron Brewer	
	Cr Dr Cathy Casey	
	Cr Bill Cashmore	
	Cr Ross Clow	
	Cr Linda Cooper, JP	Until 6.10 pm, Item C1
	Cr Chris Darby	
	Cr Alf Filipaina	
	Cr Hon Chris Fletcher, QSO	
	Cr Denise Krum	
	Cr Mike Lee	
	Cr Calum Penrose	
	Cr Dick Quax	Until 5.01pm, Item 19.3
	Cr Sharon Stewart, QSM	
	Cr Sir John Walker, KNZM, CBE	From 10.05 am, Item 7.1
	Cr Wayne Walker	
	Cr John Watson	
	Cr Penny Webster	
	Cr George Wood, CNZM	

APOLOGIES

Cr Sir John Walker For lateness

ALSO PRESENT

Shale Chambers, Chair of the Waitematā Local Board
Richard Hills, Kaipātaki Local Board
Desley Simpson, Chair of the Orākei Local Board
Lindsay Waugh, Kaipātaki Local Board

1 Affirmation

His Worship the Mayor read the affirmation.

2 Apologies

MOVED by Mayor LCM Brown, seconded by Cr MP Webster:

That the Governing Body:

- a) **accept the apology from Cr JG Walker for lateness.**

3 Declaration of Interest

Cr LA Cooper declared an interest in Item 13 – Local Board Agreements.

4 Confirmation of Minutes

Resolution number GB/2013/134

MOVED by Mayor LCM Brown, seconded by Deputy Mayor PA Hulse:

That the Governing Body:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 29 October 2013, the extraordinary minutes of its meetings, held on Thursday, 7 November 2013 and Thursday, 14 November 2013, including the confidential sections, as true and correct records.**

CARRIED

5 Acknowledgements

The Mayor acknowledged the Auckland Council Chief Executive Doug McKay and thanked him for his work during the past three years .

6 Petitions

There were no petitions.

7 Public Input

Cr JG Walker entered the meeting at 10.05 am.

7.1 Public Input - Living Wage Aotearoa

Information was tabled in support of this presentation. A copy has been placed on the official copy of the minutes and will be available on the Auckland Council website as a minutes attachment.

Resolution number GB/2013/135

MOVED by Mayor LCM Brown, seconded by Cr CM Casey:

That the Governing Body:

- a) **receive the presentation by Living Wage Aotearoa regarding the proposed Living Wage policy.**

CARRIED

Attachments

A Tabled documents

7.2 Public Input - Auckland Harbour Bridge Pathway Project (SkyPath)

Information was tabled in support of these presentation. Copies have been placed on the official copy of the minutes and will be available on the Auckland Council website as a minutes attachment.

Resolution number GB/2013/136

MOVED by Mayor LCM Brown, seconded by Cr C Darby:

That the Governing Body:

- a) receive the presentations made on behalf of the Northcote Residents' Association, the St Mary's Bay Association and the Westhaven Marina Users' Association, regarding the Auckland Harbour Bridge Pathway Project (SkyPath).

CARRIED

Resolution number GB/2013/137

MOVED by Mayor LCM Brown, seconded by Cr C Darby:

That the Governing Body:

- b) receive the presentation from the AHB Pathway Trust regarding the Auckland Harbour Bridge Pathway Project (SkyPath).

CARRIED

Deputy Mayor PA Hulse left the meeting at 10.40 am.

Resolution number GB/2013/138

MOVED by Mayor LCM Brown, seconded by Cr ME Lee:

That the Governing Body:

- c) receive the presentation from Cycle Action Auckland regarding the Auckland Harbour Bridge Pathway Project (SkyPath).

CARRIED

Attachments

- A Westhaven Marina Users Association tabled document
- B Northcote Residents Association, St Marys Bay Association and Westhaven Marina Users Association tabled document
- C AHB Pathway Trust PowerPoint presentation

7.3 Public Input - Lisa Prager

Deputy Mayor PA Hulse returned to the meeting at 10.51 am.

Cr ME Lee left the meeting at 10.54 am.

Cr D Quax left the meeting at 10.54 am.

Resolution number GB/2013/139

MOVED by Mayor LCM Brown, seconded by Cr CM Casey:

That the Governing Body:

- a) receive the presentation from Lisa Prager regarding the accountability of

Elected Members

CARRIED

Secretarial note: Pursuant to Standing Order 3.15.5, Cr MP Webster and Cr GS Wood requested that their dissenting votes be recorded.

Attachments

A tabled document

8 Local Board Input

Local Board input was heard at the relevant items.

9 Extraordinary Business

10.56am The Mayor vacated the Chair and the Deputy Mayor assumed the Chair.

Mayor LCM Brown left the meeting at 10.56 am.

9.1 Extraordinary Business – Arts Infrastructure Matters

The reason this item was not included on the agenda was that the matter was not known at the time the agenda went to print.

The matter is required to be decided prior to the next Governing Body meeting, scheduled for 30 January 2014.

Resolution number GB/2013/140

MOVED by Cr MP Webster, seconded by Cr CE Fletcher:

That the Governing Body:

- a) **approve that the report entitled ‘Arts Infrastructure Matters’ be dealt with at the end of the public excluded section of the agenda.**

CARRIED

Cr ME Lee returned to the meeting at 10.57 am.

Cr D Quax returned to the meeting at 10.57 am.

9.2 Extraordinary Business – The Independent Review commissioned by the Auckland Council Chief Executive (EY Report)

The reason this item was not included on the agenda was that the EY report was released on Friday, after the agenda closed.

The reason the item cannot be deferred to the next meeting is that there is significant public concern about matters raised in the EY report that require urgent consideration.

Resolution number GB/2013/141

MOVED by Deputy Mayor PA Hulse, seconded by Cr GS Wood:

That the Governing Body:

- a) **approve that the Independent Review commissioned by the Auckland Council Chief Executive (the EY report) be dealt with on this agenda**

under item 19.1.

CARRIED

Secretarial note: The Deputy Mayor accorded precedence to Item 19.1

19.1 Extraordinary Business - Consideration of the Independent Review commissioned by the Auckland Council Chief Executive (the EY Report)

MOVED by Deputy Mayor PA Hulse, seconded by Cr CE Fletcher:

That the Governing Body: .

- a) receive the Independent Review commissioned by the Chief Executive – the EY report.
- b) express its profound disappointment and disapproval of the Mayor's inappropriate conduct and undeclared conflicts of interest, which are the subject of the report and which have caused damage to Auckland Council's reputation and widespread concern amongst the public.
- c) accordingly, censure the Mayor for his behaviour, that in the view of the Governing Body, breaches the council's Code of Conduct.
- d) request that the Mayor make full reimbursement of all remaining personal costs and also make an appropriate contribution to other costs incurred by the Council.
- e) require a stronger working relationship and level of accountability between the Mayor and Governing Body.
- f) note the Mayor's apology and expression of contrition for his actions; and mindful of the importance of maintaining political stability and confidence in the governance of Auckland, signals its willingness to work with the Mayor in the best interests of the people of Auckland.

MOVED by Cr D Quax, seconded by Cr LA Cooper:

Cr D Quax moved an amendment to the original recommendation as follows:

That the Governing Body:

- f) notes that Len Brown lacks the essential leadership credentials of judgement, honesty, integrity, and credibility and as a result councillors have lost confidence in his ability to carry out his duties as Mayor of Auckland.

Secretarial note: The amendment was ruled to be a direct negative and was therefore disallowed under Standing Order 3.10.12.

Resolution number GB/2013/142

MOVED by Cr D Quax, seconded by Cr L Cooper:

That the Governing Body:

- a) **grant Cr Brewer an extension of two minutes to complete his address to the Governing Body.**

CARRIED

MOVED by Cr AM Filipaina, seconded by Cr CM Casey:

That the Governing Body:

- b) agree that, pursuant to Standing Order 3.13.1, the motion under debate now be put to a vote.

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr AJ Anae	Cr CE Brewer	
Cr CM Casey	Cr WB Cashmore	
Cr RI Clow	Cr CE Fletcher	
Cr LA Cooper	Deputy Mayor PA Hulse	
Cr C Darby	Cr DA Krum	
Cr AM Filipaina	Cr CM Penrose	
Cr ME Lee	Cr D Quax	
Cr JG Walker	Cr SL Stewart	
Cr WD Walker	Cr J Watson	
Cr MP Webster	Cr GS Wood	

The division was declared EQUAL.

The chair exercised her casting vote against, so the motion was LOST.

1.28pm The meeting adjourned.

2.07pm The meeting reconvened.

The motion was put:

19.1 Extraordinary Business - Consideration of the Independent Review commissioned by the Auckland Council Chief Executive (the EY Report)

Secretarial note: The Chair put clauses a) – e) and clause f) separately.

Resolution number GB/2013/143

MOVED by Deputy Mayor PA Hulse, seconded by Cr CE Fletcher:

That the Governing Body:

- a) **receive the Independent Review commissioned by the Chief Executive – the EY report.**
- b) **express its profound disappointment and disapproval of the Mayor's inappropriate conduct and undeclared conflicts of interest, which are the subject of the report and which have caused damage to Auckland Council's reputation and widespread concern amongst the public.**
- c) **accordingly, censure the Mayor for his behaviour, that in the view of the Governing Body, breaches the council's Code of Conduct.**
- d) **require that the Mayor make full reimbursement of all remaining personal costs and also make an appropriate contribution to other costs incurred by the Council.**
- e) **require a stronger working relationship and level of accountability between the Mayor and Governing Body.**

CARRIED UNANIMOUSLY

Secretarial note: resolution d) is given effect to by a group of Councillors made up of

the Chairs of the Committees of the Whole, the Chair of the CEO Review Committee and Cr Dick Quax, to enter into confidential, but binding negotiations with the Mayor as to the contribution amount.

Resolution number GB/2013/144

MOVED by Deputy Mayor PA Hulse, seconded by Cr CE Fletcher:

That the Governing Body:

- f) **note the Mayor's apology and expression of contrition for his actions; and mindful of the importance of maintaining political stability and confidence in the governance of Auckland, signals its willingness to work with the Mayor in the best interests of the people of Auckland.**

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr AJ Anae	Cr CE Brewer	
Cr CM Casey	Cr LA Cooper	
Cr WB Cashmore	Cr DA Krum	
Cr RI Clow	Cr D Quax	
Cr C Darby	Cr SL Stewart	
Cr AM Filipaina		
Cr CE Fletcher		
Deputy Mayor PA Hulse		
Cr ME Lee		
Cr CM Penrose		
Cr JG Walker		
Cr WD Walker		
Cr J Watson		
Cr MP Webster		
Cr GS Wood		

The motion was declared CARRIED by 15 votes to 5.

CARRIED

Attachments

- A Independent review commissioned by the Auckland Council Chief Executive

Mayor LCM Brown returned to the meeting at 2.15 pm.

2.15pm The Deputy Mayor vacated the Chair and the Mayor resumed the Chair.

9.3 Extraordinary Business - Cr Chris Fletcher

Resolution number GB/2013/145

MOVED by Cr CE Fletcher, seconded by Cr CM Casey:

That the Governing Body:

- a) **consider the matter of the removal of a heritage property at 20 Herbert Road as Extraordinary Business under Item 19.**

CARRIED

10 Notices of Motion

There were no notices of motion.

11 Auckland Harbour Bridge Pathway Project - Information Report

A PowerPoint presentation was provided. A copy has been placed on the official copy of the minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number GB/2013/146

MOVED by Mayor LCM Brown, seconded by Cr AM Filipaina:

That the Governing Body:

- a) **receive the report on the Auckland Harbour Bridge Pathway project.**

CARRIED

Cr CE Brewer left the meeting at 2.32 pm.

Cr AJ Anae left the meeting at 2.44 pm.

Deputy Mayor PA Hulse left the meeting at 2.46 pm.

Cr CE Brewer returned to the meeting at 2.47 pm.

Cr MP Webster left the meeting at 2.47 pm.

Cr AJ Anae returned to the meeting at 2.51 pm.

Resolution number GB/2013/147

MOVED by Cr LA Cooper, seconded by Cr CE Fletcher:

- b) **request that a copy of this report be forwarded to the Kaipatiki, Waitematā and Devonport-Takapuna Local Boards for their information.**

CARRIED

12 Resolution from Orakei Local Board - Mission Bay streetscape upgrade targeted rate

Desley Simpson, Chair of the Orākei Local Board and Ken Baguley, Orākei Local Board member spoke in support of this item.

Cr MP Webster returned to the meeting at 2.58 pm.

Deputy Mayor PA Hulse returned to the meeting at 3.15 pm.

Cr ME Lee left the meeting at 3.16 pm.

This item was deferred to later in the meeting, pending additional advice on the matter.

13 Local Board Agreements 2014/2015

Cr Linda Cooper expressed a conflict of interest in this item and neither spoke nor voted on the item.

Resolution number GB/2013/148

MOVED by Mayor LCM Brown, seconded by Cr C Darby:

That the Governing Body:

- a) **receive the report.**

CARRIED

Resolution number GB/2013/149

MOVED by Mayor LCM Brown, seconded by Cr C Darby:

- b) note that all local boards have agreed their content for the draft Annual Plan 2014/2015, including the:**
- i. draft Local Board Agreement 2014/2015, which includes intended levels of service provision and financial statements;**
 - ii. introduction to the local board agreement, which includes proposed changes to budgets for 2014/2015 and new advocacy areas for consultation.**

CARRIED

14 Adoption of the draft Annual Plan 2014/2015

Resolution number GB/2013/150

MOVED by Mayor LCM Brown, seconded by Cr MP Webster:

That the Governing Body consider the item.

CARRIED

Resolution number GB/2013/151

MOVED by Deputy Mayor PA Hulse, seconded by Cr RI Clow:

That the Governing Body:

- c) agree to adjourn the meeting until 3.50pm.**

The meeting adjourned at 3.30 pm and reconvened at 3.50 pm. Item 12 was taken at this time, as the requested additional advice was received.

12 Resolution from Orakei Local Board - Mission Bay streetscape upgrade targeted rate

Resolution number GB/2013/152

MOVED by Cr CE Brewer, seconded by Cr C Darby:

That the Governing Body:

- a) agree not to support the use of a targeted rate to fund the upgrade of the Mission Bay footpaths.**
- b) agree to invite the Mission Bay Business Association to join the council Business Improvement District Partnership Programme in order to fund the upgrade of the Mission Bay footpaths.**
- c) agree that officers commit sufficient resources to ensure a BID establishment process can be completed in an orderly and cost-efficient fashion by July 2014.**
- d) agree to direct officers to amend the draft Annual Plan 2014/2015 to reflect these decisions.**

CARRIED

Item 14 was taken at this time.

14 Adoption of the Draft Annual Plan 2014/2015

Secretarial note: The meeting had previously resolved to consider the item.

That the Governing Body:

- a) adopt the Draft Annual Plan 2014/2015, including the revisions made by officers to reflect councillor feedback on 17 December and at the meeting.
- b) delegate responsibility to the Chief Finance Officer to approve any final edits required to the Draft Annual Plan 2014 prior to publication.

Resolution number GB/2013/153

MOVED by Cr CE Fletcher, seconded by Cr WD Walker:

That the Governing Body:

- a) **agree pursuant to standing order 3.3.7, that an extension of time until the business of the meeting has been concluded be granted.**

CARRIED

MOVED by Cr CE Brewer, seconded by Cr D Quax:

Cr CE Brewer moved an amendment to the original recommendation as follows:

- c) agree that Auckland Council first and foremost prepare a remuneration policy in the 2014/2015 financial year, and as part of that policy work fully investigate the costs and wider implications on the organisation, business community and region of the Living Wage Policy and request the CE report back to the Governing Body at a later date.

Resolution number GB/2013/154

MOVED by Cr D Quax, seconded by Cr CM Penrose:

That the Governing Body:

- a) **agree that, pursuant to Standing Order 3.13.1, the motion under debate now be put to a vote.**

CARRIED

The amendment was put.

Resolution number GB/2013/155

MOVED by Cr CE Brewer, seconded by Cr D Quax:

Cr CE Brewer moved an amendment to the original recommendation as follows:

- c) agree that Auckland Council first and foremost prepare a remuneration policy in the 2014/2015 financial year, and as part of that policy work fully investigate the costs and wider implications on the organisation, business community and region of the Living Wage Policy and request the CE report back to the Governing Body at a later date.

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr CE Brewer	Cr AJ Anae	
Cr WB Cashmore	Mayor LCM Brown	
Cr LA Cooper	Cr CM Casey	

Cr CE Fletcher	Cr RI Clow
Cr DA Krum	Cr C Darby
Cr CM Penrose	Cr AM Filipaina
Cr D Quax	Deputy Mayor PA Hulse
Cr SL Stewart	Cr ME Lee
Cr JG Walker	Cr WD Walker
Cr MP Webster	Cr J Watson
Cr GS Wood	

The amendment was declared CARRIED by 11 votes to 10.

CARRIED

The substantive motion was put.

Resolution number GB/2013/156

MOVED by Mayor LCM Brown, seconded by Cr CE Fletcher:

That the Governing Body:

- a) **adopt the Draft Annual Plan 2014/2015, including the revisions made by officers to reflect councillor feedback on 17 December and at the meeting.**
- b) **delegate responsibility to the Chief Finance Officer to approve any final edits required to the Draft Annual Plan 2014 prior to publication.**
- c) **agree that Auckland Council first and foremost prepare a remuneration policy in the 2014/2015 financial year, and as part of that policy work fully investigate the costs and wider implications on the organisation, business community and region of the Living Wage Policy and request the CE report back to the Governing Body at a later date.**

Attachments

A The Draft Annual Plan 2014/2015 will be attached to this item as soon as it is available

Cr D Quax left the meeting at 5.01pm.

19.3 Extraordinary Business – Relocation of a Heritage Property, 20 Herbert Road – Cr Chris Fletcher

Secretarial note: Following officer advice that correct procedure had been followed in this instance, the process regarding the relocation of heritage properties was referred to the Auckland Development Committee for clarification.

15 Submissions and Hearings process for the 2014/2015 Annual Plan

Resolution number GB/2013/157

MOVED by Cr MP Webster, seconded by Mayor LCM Brown:

That the Governing Body agree:

- a) **that annual plan local hearings follow the traditional style hearing process, with the forum option to be assessed for Local Boards that have large volumes of submissions.**
- b) **that regional hearings predominantly use forum style hearings with very limited and tight criteria for selecting key stakeholders who will be heard in traditional**

- style.
- c) that forum style regional hearings are divided into days which are allocated to business, community groups and individuals, with the individual hearing possibly having some topic-based tables.
 - d) that the regional hearings panel divide into panels should the number of key stakeholders become too great for all to be heard in the time allowed for traditional regional hearings, thereby allowing more key stakeholders to be heard in the timeframe available.
 - e) that submissions containing both regional and local content will default to the local hearings panel to be heard, noting that if a significant volume of regional submissions are received, they may also be allocated to local hearings.
 - f) that the ward councillor(s) be part of the local hearings panel, with other councillors scheduled where appropriate to ensure a minimum of two councillors are present at each local hearing to hear regional issues. Other councillors will attend voluntarily as schedules allow.
 - g) that the following reporting requirements be approved:
 - i) One regional hearing report and 21 local board hearing reports be prepared covering statistics on submissions received locally and regionally, with a brief high-level analysis of key themes and topics.
 - ii) Analysis of submissions be provided for one regional deliberation report to the Budget Committee, and 21 local board deliberation reports to the relevant local boards.
 - h) that subject matter expert comments are captured for inclusion in deliberation reports if requested from the hearings process.
 - i) that response letters be provided as follows:
 - i) Key stakeholders are provided with a customised response letter signed by the Chair of the Budget Committee.
 - ii) Other regional submitters are provided with a generic response letter, which includes key issues and decisions.
 - iii) Local boards will prepare their own responses to local submitters, via Local Board Services, with support from subject matter experts where required.
 - j) that the Chair of each hearings panel decide on whether late submissions can be heard.
 - k) that the Deputy Chair of the Budget Committee be delegated to work with officers to make further decisions on the operation of the hearings.

CARRIED

16 Navigation safety review, statement of proposal and bylaw

Resolution number GB/2013/158

MOVED by Mayor LCM Brown, seconded by Cr CM Penrose:

That the Governing Body consider the item.

CARRIED

Resolution number GB/2013/159

MOVED by Cr CM Penrose, seconded by Cr C Darby:

That the Governing Body:

- a) **resolve as follows:**
- i) **under section 63(3)(c) of the Local Government (Auckland Transitional Provisions) Act 2010 and 156 of the Local Government Act 2002, the Auckland Council proposes to revoke the Auckland Regional Council Navigation Safety Bylaw 2008.**
 - ii) **a bylaw is the most appropriate way of addressing problems relating to navigation safety in Auckland**
 - iii) **under section 33M of the Maritime Transport Act 1994, Auckland Council proposes to regulate navigation safety in Auckland through the proposed Navigation Safety Bylaw 2014 and controls.**
 - iv) **under sections 83, 86 and 87 of the Local Government Act 2002, Attachment A: Statement of Proposal - Navigation Safety Bylaw that was considered by the Regulatory and Bylaws Committee on 3 December 2013 and amended to include the draft Statement of Proposal – Lifejackets Bylaw be adopted to be used during the special consultative procedure.**
 - v) **the proposed bylaw included in the attachment referred to in item (iv) is the most appropriate form of bylaw.**
 - vi) **the proposed bylaw included in the attachment referred to in item (iv) is not inconsistent with the New Zealand Bill of Rights Act 1990.**
 - vii) **Council commences the special consultative procedure pursuant to section 83 of the Local Government Act 2002.**
- b) **authorise the Manager Policies and Bylaws to make minor edits or amendments to the Statement of Proposal and proposed Navigation Safety Bylaw 2014 to correct any identified errors or typographical edits.**

CARRIED

17 Proposals on the role and functioning of Council's "demographic" advisory panels

Resolution number GB/2013/160

MOVED by Mayor LCM Brown, seconded by Cr CM Casey:

That the Governing Body agree:

- a) **that the demographic advisory panels are considered and supported collectively as part of the Council structure.**
- b) **that the purpose of the panels is to provide strategic advice on issues of significance to their communities; and to advise on effective engagement by Council with those communities.**
- c) **that, subject to consultation with Local Boards, that the Terms of Reference of the panels includes advice to Local Boards; that Local Boards are given opportunities to access panel advice, if they wish.**
- d) **that the Terms of Reference include contribution to Council submissions, but panels do not submit independently to external bodies, except as agreed with the Mayor.**
- e) **that there is an annual work programme for each panel, integrated wherever possible, with other panels and signed-off by the Regional Strategy and Policy Committee.**

- f) that, as resources allow, budget is available for panels, to support activities that clearly contribute to the agreed work programme.
- g) that panels do not access external resources for activities or events, except with the agreement of Council.
- h) that a coordinator position be established with appropriate seniority, to negotiate and broker the work programmes, coordinate monitoring and reporting of progress and oversee communications between panels, elected members, officers and communities.
- i) that, in principle, all panel members should receive the same fees and allowances, and these are set in accordance with the forthcoming Fees Framework.
- j) that the selection process for panels members (apart from the Youth Advisory Panel) is:
 - an open call for applications
 - a panel of about six, made up of community nominees, the Liaison Councillor and appropriate external agencies
 - assessment on a defined set of competencies
 - recommendations to the Mayor
 - appointment by the Mayor with endorsement by the Governing Body.
- k) that direct Council employees and CCO employees be ineligible for selection and Central Government candidates be assessed on case by case basis.
- l) that the term for panels (apart from the Youth Advisory Panel) be up to three years within the same term as the current Council and –
 - members are not “rolled over” but go through another selection/appointment process
 - panels are disestablished one month before Council elections and re-established in the first quarter of the following calendar year.
- m) that “community summits” (or other appropriate events) be held to give direction to panel work programmes; that these be integrated with Council’s programme, so that they enhance and inform and do not duplicate, other Council engagement and consultation activities.
- n) that the future of the legacy Pacific boards is considered after new panels are appointed and their relationship to Local Boards is clearer.
- o) agree that:
 - i. competencies for advisory panel members include knowledge of the Treaty of Waitangi and Maori cultural values.
 - ii. a minimum of one seat on the Seniors Advisory Panels is provided for a Maori representative with appropriate competencies.
 - iii. the Independent Maori Statutory Board may recommend panel members to the Mayor and Governing Body.
 - iv. a member of the IMSB be on the selection panel.

CARRIED

Secretarial note: The recommendations from the Community Safety and Development Committee, held on 18 December 2013, were incorporated.

Attachments

- A Recommendations from the 18 December 2013 Community Safety and Development Committee

18 Inquiry into the 2013 Local Elections - Issues Paper

Resolution number GB/2013/161

MOVED by Cr LA Cooper, seconded by Cr MP Webster:

That the Governing Body:

- a) **endorse the submission to the Inquiry into the 2013 Local Elections.**
- b) **agree that Cr MP Webster present the submission to the Select Committee.**

CARRIED

19 Consideration of Extraordinary Items

Item 19.1 was considered prior to Item 10.

Item 19.2 was considered at the end of the confidential items.

Item 19.3 was considered after Item 14 and referred to the Auckland Plan Committee.

20 Procedural motion to exclude the public

Resolution number GB/2013/162

MOVED by Mayor LCM Brown, seconded by Cr MP Webster:

That the Governing Body:

- a) **exclude the public from the following part(s) of the proceedings of this meeting.**
- b) **agree that Brett O'Riley, Chief Executive ATEED, be permitted to remain for Confidential Item C1 - Auckland Harbour Bridge Pathway Project, after the public has been excluded, because of his knowledge of the matter which will help the Governing Body in its decision-making.**
- c) **agree that Waterfront Auckland representatives: Sir Bob Harvey, Chair; Ngarimu Blair, Director; John Dalziel, Chief Executive and Richard Aitken, General Manager, Property & Assets, be permitted to remain for Confidential Item C3 - Shareholder Approval of Wynyard Quarter Transaction, after the public has been excluded, because of their knowledge of the matter which will help the Governing Body in its decision-making.**
- d) **agree that Patrick Cleaver, Executive Director RFA, be permitted to remain for Confidential Item C19.2 – Consideration of Future Operations of Q Theatre, after the public has been excluded, because of his knowledge of the matter which will help the Governing Body in its decision-making.**
- e) **agree that Stephen Town, the new Auckland Council Chief Executive, be permitted to remain for all of the confidential items.**

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 Auckland Harbour Bridge Pathway Project - Confidential 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
<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)(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.</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 is commercially sensitive and may relate to Council's future negotiating position.</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>

C2 Recommendations from the Audit and Risk Committee - Appointment of External Co-opted Committee members to the Audit and Risk Committee

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>In particular, the report contains private information pertaining to an individual that is not to be disclosed to the protect the privacy and confidentiality of a potential appointment.</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>

C3 Shareholder Approval of Wynyard Quarter transaction

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)(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</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</p>

	<p>person who supplied or who is the subject of the information.</p> <p>In particular, the report contains commercially sensitive information. The disclosure of this information would compromise Waterfront Auckland's negotiating position.</p>	under section 7.
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C19.2 Extraordinary Business – Arts Infrastructure Matters

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)(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.</p> <p>In particular, the report contains commercially sensitive information about an independent Company and aligned charitable Trust which has implications for a wide range of stakeholders.</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>

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

CARRIED

5.32pm The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

7.00pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Auckland Harbour Bridge Pathway Project - Confidential Report

Resolution number GB/2013/163

MOVED by Cr LA Cooper, seconded by Mayor LCM Brown:

That the Governing Body:

- a) receive the report on the Auckland Harbour Bridge Pathway project.

- b) authorise the Chief Executive to:
 - (i) assess funding and procurement options for the Auckland Harbour Bridge Pathway project with a single investor, being the Public Infrastructure Partnership Fund in the first instance;
 - (ii) undertake preliminary and non-binding negotiations around the Public Infrastructure Partnership Fund's proposal;
 - (iii) enter into any non-binding heads of agreement, if required to progress preliminary feasibility work that informs the viability of the project and/or the procurement options; and
 - (iv) take any other actions in the Chief Executive's discretion to assess the merits of the Public Infrastructure Partnership Fund proposal and other options available to Council.
- c) agree that the Chief Executive obtain the Governing Body's approval on the recommended procurement option and preferred financing partner (if any) for Council's involvement in the project prior to entering into a final commercial arrangement on the Auckland Harbour Bridge Pathway project.
- d) request that the Kaipatiki, Waitematā and Devonport-Takapuna Local Boards appoint a member to the project steering group. This steering group would consist of the CEO of Auckland Tourism, Events and Economic Development as Project Sponsor, a representative from each of the Kaipatiki, Waitematā and Devonport-Takapuna Local Boards; an appropriate officer representing Auckland Council and each of the relevant Council Controlled Organisations (Auckland Transport, Waterfront Auckland, and Auckland Tourism, Events and Economic Development), and a representative from the New Zealand Transport Agency. Those Councillors from these Local Board areas would also be invited to attend Steering Group meetings.
- e) direct officers to report back to the Infrastructure Committee on progress when appropriate.
- f) direct Council officers to work with the Auckland Harbour Bridge Pathway Trust on an approach to the future engagement with local residents regarding consultation on the landings' design.
- g) note that, if acceptable terms can be secured, financing through the private sector is appropriate given the current local government funding constraints and may be preferable in driving project revenue to reduce Council's funding exposure.
- h) note that this project may possess characteristics that are inconsistent with the Council's Public Private Partnership Policy and that, if material, any such inconsistencies must be identified should Council formally commit to this project in the future under Section 80 of the Local Government Act 2002.
- i) note that, if the project proceeds based on the SkyPath proposal, Council (through Auckland Tourism, Events and Economic Development) would be required to disclose in its Annual Report that it has entered into an agreement to provide a revenue underwrite and that the likelihood of any future liability would be dependent on future patronage and revenue conditions being met, or not met, as prescribed in any underwrite agreement with the Public Infrastructure Partnership Fund.
- j) note that under the SkyPath proposal, Council would take ownership of the SkyPath structure after 20 years.
- k) agree that the report remain confidential but that the decisions be restated in the open agenda.

Secretarial note: Pursuant to Standing Order 3.15.5, Cr SL Stewart and Cr GS Wood requested that their dissenting votes be recorded.

C2 Recommendations from the Audit and Risk Committee - Appointment of External Co-opted Committee members to the Audit and Risk Committee

Resolution number GB/2013/164

MOVED by Cr MP Webster, seconded by Cr WB Cashmore:

That the Governing Body:

- a) agree that two external co-opted members be appointed to the Audit and Risk Committee.
- b) reappoint Roy Tiffin, CA, as a member of the Audit and Risk Committee for a term expiring on 30 June 2015.
- c) note that a recommendation for the second appointment will be reported to the Audit and Risk Committee at its next meeting in February 2014.
- d) agree that Attachment A and the above resolutions only be restated in the open minutes and that Attachment B remain confidential.

C3 Shareholder Approval of Wynyard Quarter transaction

- h) agree that resolutions (a) to (g) be restated in the open minutes once Development Agreements have been signed with the preferred development partners.

C19.2 Arts Infrastructure Matters

- c) agree that the report and decisions remain confidential.

7.00 pm

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE GOVERNING BODY HELD
ON

DATE:.....

CHAIRPERSON:.....