
Tira Kāwana / 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 April 2018 at 9.33am.

PRESENT

Deputy Mayor Councillors

Cr Bill Cashmore, Presiding
Cr Josephine Bartley
Cr Dr Cathy Casey
Cr Fa'anana Efeso Collins
Cr Linda Cooper, JP
Cr Chris Darby
Cr Alf Filipaina
Cr Richard Hills
Cr Penny Hulse
Cr Mike Lee
Cr Daniel Newman, JP
Cr Greg Sayers
Cr Desley Simpson, JP
Cr Sir John Walker, KNZM, CBE
Cr Wayne Walker
Cr John Watson

Until 2.00pm, Item 16
From 9.35am, Item 10

ABSENT

Mayor Hon Phil Goff, CNZM, JP
Cr Ross Clow
Cr Christine Fletcher
Cr Dick Quax
Cr Sharon Stewart, QSM

For leave of absence
For leave of absence

Note: In the absence of His Worship the Mayor, Deputy Mayor B Cashmore presided.

1 Affirmation

The Deputy Mayor read the affirmation.

2 Apologies

Resolution number GB/2018/64

MOVED by Deputy Mayor BC Cashmore, seconded by Cr P Hulse:

That the Governing Body:

- a) **accept the apologies from Mayor P Goff for absence and Cr E Collins for early departure on council business.**

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number GB/2018/65

MOVED by Cr L Cooper, seconded by Cr J Walker:

That the Governing Body:

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 22 March 2018, including the confidential section and the extraordinary minutes of its meeting, held on Thursday, 29 March 2018, as true and correct records.**

CARRIED

5 Petitions

There were no petitions.

6 Public Input

There was no public input.

7 Local Board Input

There was no local board input.

8 Extraordinary Business

There was no extraordinary business.

9 Notices of Motion

There were no notices of motion.

10 Submission on Land Transport Management (Regional Fuel Tax) Amendment Bill

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

Cr G Sayers entered the meeting at 9.35 am.

MOVED by Cr C Darby, seconded by Cr P Hulse:

That the Governing Body:

- a) approve the submission on the *Land Transport Management (Regional Fuel Tax) Amendment Bill* appended in Attachment A to the agenda report.
- b) authorise the Deputy Mayor and Chief Executive to make any minor amendments to the submission prior to lodgement on Friday 20 April 2018.
- c) note the Mayor and Deputy Mayor intend to appear before the Finance and Expenditure Select Committee to discuss the submission.
- d) note that Auckland Council will be invited to write to the Minister of Transport to inform decisions on regulations concerning eligibility for rebates and any further exemptions.

MOVED by Cr M Lee, seconded by Cr C Casey: an amendment by way of addition:

That the Governing Body:

- e) support the exemption of Great Barrier Island from the regional fuel tax scheme.

Note: After discussion, the amendment was withdrawn with agreement that, the legislation should enable an area to be excluded from a region's fuel tax: e.g. Great Barrier Island, be included in the submission

Cr J Walker left the meeting at 11.09 am.

The meeting was adjourned at 11.09am and reconvened at 11.19am

Cr J Walker was not present.

Cr J Walker returned to the meeting at 11.22 am.

Resolution number GB/2018/66

MOVED by Cr D Newman, seconded by Cr G Sayers: an amendment to clause a) of the original motion:

That the Governing Body:

- a) approve the submission on the Land Transport Management (Regional Fuel Tax) Amendment Bill appended in Attachment A to the agenda report, subject to the following:
 - i. that Clause 65ZD be amended to read "... The Governor-General may from time to time, by Order in Council, amend section 65C(3) to change the maximum rate of regional fuel tax under an RFT scheme, but to a maximum rate of regional fuel tax under an RFT scheme not exceeding \$0.10 per litre."

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

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Bartley	Deputy Mayor BC Cashmore	
Cr C Casey	Cr L Cooper	
Cr E Collins	Cr C Darby	
Cr A Filipaina	Cr P Hulse	
Cr R Hills		
Cr M Lee		
Cr D Newman		
Cr G Sayers		
Cr D Simpson		
Cr J Walker		
Cr W Walker		
Cr J Watson		

The motion was declared CARRIED by 12 votes to 4.

CARRIED

Resolution number GB/2018/67

MOVED by Cr C Darby, seconded by Cr P Hulse: the substantive motion:

That the Governing Body:

- a) **approve the submission on the Land Transport Management (Regional Fuel Tax) Amendment Bill appended in Attachment A to the agenda report, subject to the following:**
 - i) **that Clause 65ZD be amended to read "... The Governor-General may from time to time, by Order in Council, amend section 65C(3) to change the maximum rate of regional fuel tax under an RFT scheme, but to a maximum rate of regional fuel tax under an RFT scheme not exceeding \$0.10 per litre."**
- b) **authorise the Deputy Mayor and Chief Executive to make any minor amendments to the submission prior to lodgement on Friday 20 April 2018.**
- c) **note the Mayor and Deputy Mayor intend to appear before the Finance and Expenditure Select Committee to discuss the submission.**
- d) **note that Auckland Council will be invited to write to the Minister of Transport to inform decisions on regulations concerning eligibility for rebates and any further exemptions.**

CARRIED

Note: Pursuant to Standing Order 1.8.6 the following councillors requested that their dissenting votes be recorded:

- Cr G Sayers
- Cr D Simpson
- Cr W Walker
- Cr J Watson

Attachments

- A 19 April 2018 Governing Body Item 10: Submission on Land Transport Management (Regional Fuel Tax) Amendment Bill - presentation

11 Housing Infrastructure Fund

Resolution number GB/2018/68

MOVED by Cr L Cooper, seconded by Cr C Darby:

That the Governing Body:

- a) **agree that Auckland Council will submit a detailed business case that proposes \$300 million for funding from the Housing Infrastructure Fund to unlock an estimated 6,200 dwellings in the North-West area.**
- b) **authorise the Mayor and Deputy Mayor to approve the final business case documentation.**
- c) **delegate authority to the Chief Executive and Group Chief Financial Officer to undertake all necessary steps to implement any successful bids for funding from the Housing Infrastructure Fund (including but not limited to discussion of funding terms with the Government and executing funding agreements), provided that implementation remains broadly consistent with the detailed business case.**

CARRIED UNANIMOUSLY

Cr J Walker left the meeting at 1.00 pm.

The meeting adjourned at 1.00pm and reconvened at 1.34pm.

Cr G Sayers and Cr J Walker were not present.

12 Te Ākitai Waiohua - Treaty settlement redress

Cr G Sayers returned to the meeting at 1.38 pm.

Resolution number GB/2018/69

MOVED by Cr L Cooper, seconded by Cr W Walker:

That the Governing Body:

- a) **note there is a confidential report on this meeting agenda, providing information and recommendations regarding the Crown's proposed Treaty settlement redress for Te Ākitai Waiohua involving Crown-owned reserve lands either vested in or administered and controlled by Auckland Council**
- b) **note the confidential report contains information provided by the Crown to council in confidence on the understanding the information is negotiation sensitive between hapū / iwi and the Crown – if confidential information is made available, it will prejudice both those negotiations and the provision of similar information to council in the future.**

CARRIED UNANIMOUSLY

13 Chief Executive's Employment Review Process

Resolution number GB/2018/70

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

That the Governing Body:

- a) **agree that the Confidential Item C2: Chief Executive's Employment Review Process be considered under this item.**

CARRIED

Note: A copy of the confidential report has been placed on the official minutes and is available on the Auckland council website as minutes attachments.

Resolution number GB/2018/71

MOVED by Cr D Simpson, seconded by Cr J Bartley:

That the Governing Body:

- a) **note that the Auckland Council Chief Executive's employment contract expires on 31 December 2018 and that the Governing Body can either publicly advertise a vacancy or extend the incumbent Chief Executive's contract by up to a further two years without advertising a vacancy.**
- b) **note the process required under Schedule 7 of the Local Government Act 2002 for Auckland Council to undertake an employment review of the Chief Executive before 30 June 2018.**
- c) **agree that the Appointments, Performance Review and Value for Money Committee has formal delegation from the Governing Body to undertake the Chief Executive's employment review to be completed by 30 June 2018.**
- d) **agree the following changes to the Appointments, Performance Review and Value for Money Committee's Terms of Reference:**
[Existing delegation remains]
"Review the Chief Executive's performance and recommend to the Governing Body the terms and conditions of the Chief Executive's employment, including performance agreement measures and annual remuneration."
[Additional delegation]
"Conduct and complete a review of the Chief Executive's employment under clause 35 Schedule 7 Local Government Act 2002 and make a recommendation to the Governing Body under clause 34 Schedule 7 Local Government Act 2002."
- e) **agree that the Appointments, Performance Review and Value for Money Committee will report back to the Governing Body from late June 2018 on the outcome of the Chief Executive employment review.**
- f) **note that the Governing Body alone has the legal authority to extend the Chief Executive's contract and that a decision is required as soon as practicable after the Appointments, Performance Review and Value for Money Committee reports back with its recommendation to the Governing Body from late June 2018.**

CARRIED UNANIMOUSLY

Attachments

- A 19 April 2018 Governing Body - Item C2: Chief Executive's Employment Review Process report

14 Summary of Governing Body information memos and briefings - 19 April 2018

Resolution number GB/2018/72

MOVED by Cr D Simpson, seconded by Cr C Casey:

That the Governing Body:

- a) receive the Summary of Governing Body information memos and briefings – 19 April 2018.

CARRIED

15 Consideration of Extraordinary Items

There were no extraordinary items.

Cr M Lee left the meeting at 2.00 pm.

16 Procedural motion to exclude the public

Resolution number GB/2018/73

MOVED by Cr D Simpson, seconded by Cr E Collins:

That the Governing Body:

- a) exclude the public from the following part(s) of the proceedings of this meeting.

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 CONFIDENTIAL: Te Ākitai Waiohua - Treaty settlement redress

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
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.	s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest.	s48(1)(a) 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>In particular, the report contains information provided by the Crown to council in confidence on the understanding the information is negotiation sensitive between hapū / iwi and the Crown. If confidential information is made available, it will prejudice both those negotiations and the provision of similar information to council in the future.</p>	
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The text of these resolutions was made available to the public who were present at the meeting and formed part of the minutes of the meeting.

CARRIED

2.00pm 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.

2.12pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 CONFIDENTIAL: Te Ākitai Waiohū - Treaty settlement redress

Resolution number GB/2018/74

MOVED by Cr A Filipaina, seconded by Cr E Collins:

- c) agree the decisions, report and attachments will not be restated in the open section of the minutes until advised by the Crown that the obligation of confidentiality is removed.

2.12 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:.....