Komiti ā Pūtea, ā Mahi Hoki / Finance and Performance Committee

OPEN MINUTES

Minutes of a meeting of the Finance and Performance Committee held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Tuesday, 17 September 2019 at 9.36am.

PRESENT

Chairperson
Cr Ross Clow

Deputy Chairperson
Cr Desley Simpson, JP

Members
Cr Josephine Bartley
Cr Dr Cathy Casey
Deputy Mayor Cr Bill Cashmore
Cr Fa'anana Efeso Collins
Cr Linda Cooper, JP
Cr Chris Darby
Cr Alf Filipaina
Cr Hon Christine Fletcher, QSO
Mayor Hon Phil Goff, CNZM, JP
Cr Richard Hills
Cr Penny Hulse
Cr Daniel Newman, JP
Cr Greg Sayers
Cr Sharon Stewart, QSM
IMSB Chair David Taipari
Cr John Watson
Cr Paul Young

Until 2.09pm, Item C4
From 9.57am, Item 8
Until 3.24pm, Item C4
From 9.57am, Item 8
Until 3.10pm, Item C4
From 9.57am, Item 8
Until 3.30pm, Item C4
Until 3.05pm, Item C4
Until 2.09pm, Item C4
From 11.24am, Item C4

ABSENT

Members
Cr Mike Lee
IMSB Member Terrence Hohneck
Cr Sir John Walker, KNZM, CBE
Cr Wayne Walker

ALSO PRESENT

John Gillon, Kaipātiki Local Board Chair
Danielle Grant, Kaipātiki Local Board Deputy Chair
1 Apologies

Resolution number FIN/2019/99

MOVED by Chairperson R Clow, seconded by Cr L Cooper:

That the Finance and Performance Committee:

a) accept the apology from Cr A Filipaina for lateness, on council business; Cr E Collins and J Watson for early departure; Cr C Darby and Cr P Young for lateness; Cr Sir J Walker, Cr W Walker and IMSB Member Terrence Hohneck for absence.

CARRIED

Note: An apology was subsequently received from Cr M Lee for absence, on council business.

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number FIN/2019/100

MOVED by Deputy Chairperson D Simpson, seconded by Chairperson R Clow:

That the Finance and Performance Committee:

a) confirm the ordinary minutes of its meeting, held on Tuesday, 20 August 2019, including the confidential section, as a true and correct record.

CARRIED

4 Petitions

There were no petitions.

5 Public Input

There was no public input.
6  Local Board Input

   6.1 Local Board Input - Kaipātiki Local Board regarding a proposed land acquisition for Rawene landslide remediation

Kaipātiki Local Board Chair, John Gillon and Kaipātiki Local Board Deputy Chair, Danielle Grant spoke at Item C1 – Land acquisition for Rawene landslide remediation.

7  Extraordinary Business

There was no extraordinary business.

8  Preparation of the Auckland Council Group’s draft annual reports and reporting of performance information for the 2018/2019 financial year

Resolution number FIN/2019/101

MOVED by Deputy Chairperson D Simpson, seconded by Deputy Mayor BC Cashmore:

That the Finance and Performance Committee:

a) note the confirmation by the Audit and Risk Committee that the audit process in respect of the Auckland Council Annual Report 2018/2019 and the Auckland Council Summary Annual Report 2018/2019 has been completed satisfactorily

b) note the draft Auckland Council Annual Report 2018/2019, the draft Auckland Council Summary Annual Report 2018/2019 and the quarterly performance of the Auckland Council Group will be discussed in the confidential section of this meeting.

CARRIED

9  Summary of Finance and Performance Committee information memorandum and briefings, including the Forward Work Programme - 17 September 2019

Resolution number FIN/2019/102

MOVED by Deputy Chairperson D Simpson, seconded by Chairperson R Clow:

That the Finance and Performance Committee:

a) note the progress on the forward work programme

b) receive the Summary of Finance and Performance Committee information memorandum and briefings – 17 September 2019.

CARRIED

10  Consideration of Extraordinary Items

There was no consideration of extraordinary items.
The meeting adjourned at 9.44am and reconvened at 9.57am.

Cr A Filipaina joined the meeting at 9.57am.
Cr C Darby joined the meeting at 9.57am.
Cr G Sayers joined the meeting at 9.57am.

Students of Chaucer School attended the meeting and were welcomed by the committee. As the students had recently been studying democracy and leadership, it was agreed that consideration and voting on Item 8 would be repeated.

8 Preparation of the Auckland Council Group's draft annual reports and reporting of performance information for the 2018/2019 financial year (Continued)

Resolution number FIN/2019/103

MOVED by Deputy Chairperson D Simpson, seconded by Deputy Mayor BC Cashmore:

That the Finance and Performance Committee:

a) note the confirmation by the Audit and Risk Committee that the audit process in respect of the Auckland Council Annual Report 2018/2019 and the Auckland Council Summary Annual Report 2018/2019 has been completed satisfactorily

b) note the draft Auckland Council Annual Report 2018/2019, the draft Auckland Council Summary Annual Report 2018/2019 and the quarterly performance of the Auckland Council Group will be discussed in the confidential section of this meeting.

CARRIED

The meeting adjourned at 10.09am and reconvened at 10.16am.

IMSB Chair D Taipari and Cr S Stewart were not present.

11 Procedural motion to exclude the public

Resolution number FIN/2019/104

MOVED by Chairperson R Clow, seconded by Cr L Cooper:

That the Finance and Performance Committee:

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 Land acquisition for Rawene landslide remediation

<table>
<thead>
<tr>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Particular interest(s) protected (where applicable)</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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). In particular, the report contains information that could prejudice the council’s position in negotiations with landowners.</td>
<td>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.</td>
</tr>
</tbody>
</table>

## C2 ATEED major transaction additional resolutions

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<td>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.</td>
<td>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. 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). In particular, the report contains information that is subject to negotiation and could impact ATEED and Council’s negotiating position.</td>
<td>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.</td>
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## C3 Budget Update - September 2019

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<td>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.</td>
<td>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. 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). In particular, the report identifies land the council seeks to acquire for open space purposes.</td>
<td>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.</td>
</tr>
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</table>
### C4 CONFIDENTIAL: Auckland Council Group and Auckland Council quarterly performance reports to 30 June 2019

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<th>Ground(s) under section 48(1) for the passing of this resolution</th>
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<td>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.</td>
<td>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. In particular, the report contains financial adjustments, assumptions and judgements that have impact on the financials results of the Auckland Council Group as at 30 June 2019.</td>
<td>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.</td>
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<td>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.</td>
<td>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. In particular, the report contains information that relates to the Auckland Council Annual Report 2018/2019 which may only be made public following its release to the NZX</td>
<td>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.</td>
</tr>
</tbody>
</table>

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**

10.17am 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.

3.51pm The public was re-admitted.
RESTATEMENTS

It was resolved while the public was excluded:

C1  Land acquisition for Rawene landslide remediation
Resolution number FIN/2019/112
MOVED by Cr R Hills, seconded by Cr C Fletcher:
  c) agree that there be no restatement of this report or resolutions until the acquisition of all the properties listed above has been completed, and then only the resolution be restated.

C2  ATEED major transaction additional resolutions
Resolution number FIN/2019/113
MOVED by Cr L Cooper, seconded by Cr P Hulse:
  f) confirm that the resolutions and report remain confidential until reasons for confidentiality no longer exist.

C3  Budget Update - September 2019
Resolution number FIN/2019/114
MOVED by Chairperson R Clow, seconded by Cr C Fletcher:
  c) agree that there be no restatement of this confidential report, attachments, or resolutions for the acquisition of land for public open space at Mahurangi until settlement, and only then is the resolution to be restated.

C4  CONFIDENTIAL: Auckland Council Group and Auckland Council quarterly performance reports to 30 June 2019
Resolution number FIN/2019/116
MOVED by Chairperson R Clow, seconded by Deputy Mayor BC Cashmore:
  a) receive the Auckland Council Group quarterly performance report for the period ending 30 June 2019 which includes the Auckland Council and substantive council-controlled organisations
  b) receive the Te Hononga Akoranga, COMET Auckland (Community Education Trust Auckland) year-end report to 30 June 2019
  c) give a vote of thanks to Dr Lester Levy for his seven years of service as Chair of the Auckland Transport Board
  d) give a vote of thanks to Geoff Clews for his six years of service on the Regional Facilities Auckland Board
  e) give a vote of thanks to Dr Susan Macken for her five years of service on the Panuku Development Auckland Board and Waterfront Auckland
  f) give a vote of thanks to Glenys Coughlan for her two years of service on the ATEED Board
g) give a vote of thanks to Danny Chan for his six years of service on the ATEED Board

h) give a vote of thanks to Helen Robinson for her six years of service on the ATEED Board

i) give a vote of thanks to Catherine Harland for her eight years of service on the Watercare Services Limited Board


k) agree that the decisions be restated in the open minutes.

l) agree that following the release of the Auckland Council Annual Report 2018/2019 and Auckland Council Summary Annual Report 2018/2019 on 27 September 2019 to the New Zealand Stock Exchange and the public, the report, attachments and presentations received at the meeting be restated in the open minutes.


Resolution number FIN/2019/117

MOVED by Chairperson R Clow, seconded by Deputy Chairperson D Simpson:

a) note the confirmation by the Audit and Risk Committee that the audit process has been completed satisfactorily

b) agree to recommend adoption of the draft Auckland Council Annual Report 2018/2019 and the draft Auckland Council Summary Annual Report 2018/2019 to the Governing Body, subject to editorial and technical changes to the document, with any significant changes to be approved by the group chief financial officer and the chair of the Finance and Performance Committee

c) note that the draft Auckland Council Annual Report 2018/2019 and the draft Auckland Council Summary Annual Report 2018/2019 remain confidential subject to finalisation of disclosure items, final management review and receipt of the Independent Auditor’s Report

d) agree that the draft Auckland Council Annual Report 2018/2019 and the draft Auckland Council Summary Annual Report 2018/2019, provided as attachments A-D, will remain confidential until adoption by the Governing Body, and the information is published immediately following the release of the annual report and summary annual report on 27 September 2019 to the NZX and the public.

e) agree that the decisions be restated in the open minutes.
Note: On Friday, 27 September 2019 the Auckland Council 2018/2019 Group Annual Report and Summary Annual Report was released to the New Zealand Exchange. The report, attachments and presentations received for Item C4 – CONFIDENTIAL: Auckland Council and Auckland Council quarterly performance reports to 30 June 2019 have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

C4 CONFIDENTIAL: Auckland Council Group and Auckland Council quarterly performance reports to 30 June 2019

Attachments

3.51pm The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD BY THE CHAIRPERSON AND CHIEF EXECUTIVE UNDER STANDING ORDER 8.1.4 ON

DATE:........................................................................................................

CHAIRPERSON:......................................................................................

CHIEF EXECUTIVE OR
NOMINEE:.............................................................................................