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## Tira Kāwana / Governing Body

### OPEN MINUTES

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Minutes of a meeting of the Governing Body held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Thursday, 27 February 2020 at 10.05am.

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#### PRESENT

<b>Mayor</b>	Hon Phil Goff, CNZM, JP	
<b>Deputy Mayor</b>	Cr Bill Cashmore	
<b>Councillors</b>	Cr Josephine Bartley	
	Cr Dr Cathy Casey	
	Cr Pippa Coom	
	Cr Linda Cooper, JP	
	Cr Chris Darby	
	Cr Alf Filipaina	
	Cr Christine Fletcher, QSO	From 10.06am, Item 2
	Cr Shane Henderson	
	Cr Richard Hills	From 10.06am, Item 2
	Cr Tracy Mulholland	
	Cr Daniel Newman, JP	
	Cr Greg Sayers	
	Cr Desley Simpson, JP	
	Cr Sharon Stewart, QSM	Until 2.38pm, Item 11
	Cr Wayne Walker	Until 12.20pm
	Cr John Watson	From 10.09am, Item 6.1
	Cr Paul Young	

#### ABSENT

Cr Fa'anana Efeso Collins	For leave of absence
Cr Angela Dalton	

#### IN ATTENDANCE

Richard Northey, ONZM	Chair, Waitematā Local Board
Lotu Fuli	Chair, Otara-Papatoetoe Local Board

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## 1 Affirmation

His Worship the Mayor read the affirmation.

## 2 Apologies

Resolution number GB/2020/7

MOVED by Mayor P Goff, seconded by Cr D Simpson:

**That the Governing Body:**

- a) **accept the apologies from Cr E Collins and Cr A Dalton for absence, and Cr S Stewart for early departure.**

**CARRIED**

*Cr R Hills entered the meeting at 10.06 am.*

*Cr C Fletcher entered the meeting at 10.06 am*

## 3 Declaration of Interest

Cr P Coom subsequently advised the meeting that she was a candidate in the Energy Trust Elections in 2009 but had no conflict with Item 10 – Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections.

## 4 Confirmation of Minutes

Resolution number GB/2020/8

MOVED by Mayor P Goff, seconded by Deputy Mayor BC Cashmore:

**That the Governing Body:**

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 12 December 2019, including the confidential section and the extraordinary minutes of its meeting, held on Wednesday, 12 February 2020, as a true and correct record.**

**CARRIED**

## 5 Petitions

There were no petitions.

## 6 Public Input

### 6.1 Public Input: Direct Action Everywhere New Zealand (DxENZ) - Catering at Council Meetings

*Cr J Watson entered the meeting at 10.09 am.*

Dr Michael Morris and Anna Rippon were present to speak to the Governing Body.

A presentation was given and documents were tabled. Copies have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

Resolution number GB/2020/9

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

**That the Governing Body:**

- a) **receive the presentation from Dr Michael Morris and Anna Rippon on behalf of Direct Action Everywhere New Zealand (DxENZ) regarding plant-based catering at council meetings, and thank him for attending.**

**CARRIED**

#### **Attachments**

- A 27 February 2020, Governing Body: Item 6.1 - Public Input - Direct Action Everywhere New Zealand (DxENZ) - Catering at Council Meetings, sample menu
- B 27 February 2020, Governing Body: Item 6.1 - Public Input - Direct Action Everywhere New Zealand (DxENZ) - Catering at Council Meetings, Graph showing the greenhouse gas emissions per serving of certain foods
- C 27 February 2020, Governing Body: Item 6.1 - Public Input - Direct Action Everywhere New Zealand (DxENZ) - Catering at Council Meetings, related articles

## 7 Local Board Input

### 7.1 Local Board Input: Waitemāta Local Board, Item 10 - Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections

Waitemāta Local Board Chair, Richard Northey, was present to speak to the Governing Body.

Resolution number GB/2020/10

MOVED by Mayor P Goff, seconded by Cr C Casey:

**That the Governing Body:**

- a) **receive the input from Waitemāta Local Board regarding Item 10 - Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections and thank Chair Richard Northey for his attendance.**

**CARRIED**

Note: Item 7.2 – Local Board Input: Ōtara -Papatoetoe Local Board, Item 10: Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections was considered after Item 9 – Evaluation of the Auckland Council local government 2019 elections.

## 8 Extraordinary Business

There was no extraordinary business.

## 9 Evaluation of the Auckland Council local government 2019 elections

Note: changes to the original motion were incorporated by adding a new clause a), with the agreement of the meeting.

Resolution number GB/2020/11

MOVED by Mayor P Goff, seconded by Cr L Cooper:

**That the Governing Body:**

- a) **note the chronic low voter turnout (35.3%) at the 2019 Auckland Council Elections and the need to understand and address the causes of this.**
- b) **note that the statutory deadline for resolving to change the electoral system for the 2022 local elections from First Past the Post to Single Transferable Vote is 12 September 2020.**
- c) **agree that as the electoral system was reviewed prior to the 2019 elections, no further action be taken for the 2022 elections.**
- d) **note that the statutory deadline for resolving to establish a Māori ward for the 2022 local elections is 23 November 2020.**
- e) **agree that as there has not been legislative change to allow the Governing Body to review its membership, no further action on the establishment of a Māori ward be taken for the 2022 elections.**
- f) **note there is the opportunity to review representation arrangements for the 2022 elections but there is no requirement to do this until the 2025 elections**
- g) **agree that no further action be taken to review representation arrangements for the 2022 elections.**

**CARRIED**

Note: Pursuant to Standing Order 1.8.6, Cr C Fletcher requested that her dissenting vote be recorded against clauses c) and g).

Note: Item 7.2 Local Board Input: Ōtara-Papatoetoe Local Board, Item 10 - Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections was considered at this time.

### 7.2 Local Board Input: Ōtara-Papatoetoe Local Board, Item 10 - Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections

Resolution number GB/2020/12

MOVED by Cr A Filipaina, seconded by Mayor P Goff:

**That the Governing Body:**

- a) **receive the input from Ōtara-Papatoetoe Local Board regarding Item 10 - Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections and thank Chair Lotu Fuli for her attendance.**

**CARRIED**

The meeting adjourned at 12.20pm and reconvened at 12.58pm.

Cr W Walker was not present.

## 10 Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections

Cr P Coom had declared an interest in this item, however, the meeting agreed that there was no conflict.

Feedback from the Kaipātiki, Ōtara-Papatoetoe, Upper Harbour and Waitemāta local boards was tabled. This has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

*Cr P Coom left the meeting at 1.32 pm.*

Note: changes to the motion were incorporated with addition of sub clauses a) i) to iii), new clause b) and sub clauses b) i) and b) ii) and under clause c).

MOVED by Mayor P Goff, seconded by Cr P Young:

That the Governing Body:

- a) approve the draft submission in Attachment A of the agenda report for submitting to the Justice Committee's Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections, incorporating the following changes:
  - i) the removal of section six
  - ii) the addition of asking for a review of elections to bodies with low electoral understanding, interest and voting turnout for example the Entrust Elections
  - iii) note that with the passage of time trust boundaries no longer align with local government boundaries however the council does not support a review of boundaries, due to difficulties associated with changing boundaries and these elections are not connected to local government elections  
note the Birkenhead Licensing Trust opposes any changes to their boundaries.
- b) seek legislative change to:
  - i) allow Auckland Council to determine the size of its membership, consistent with other councils
  - ii) allow Auckland Council to consider the creation of Māori wards for the 2025 local government elections which reflect the provision of Māori electorates for Parliament.
- c) receive the local board feedback included in Attachment B of the agenda report as well as the feedback provided by the Kaipātiki, Ōtara-Papatoetoe, Upper Harbour and Waitemāta local boards and agree that local board recommendations are appended to the Auckland Council submission.
- d) advise the Justice Committee that the council wishes to present its submission.
- e) nominate a councillor to attend the Justice Committee hearing.
- f) authorise the General Manager Democracy Services, in consultation with the mayor, to make amendments to the draft submission in line with changes agreed at the meeting and to make any other changes of an editorial nature.

Note: during the course of the debate two amendments were raised in relation to subclause b) ii) and clause e) which the Chair advised the meeting would be put to the vote later, before the vote on the substantive motion.

MOVED by Cr C Fletcher, seconded by Cr D Newman an amendment by way of replacement to subclause b) ii):

That the Governing Body:

- b) seek legislative change to:
- ii) seek legislative change to allow Auckland Council to determine the size of its membership, and create Māori Wards which reflect the recommendations of the Royal Commission.

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

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr C Fletcher	Cr J Bartley	
Cr D Newman	Cr C Casey	
	Deputy Mayor BC Cashmore	
	Cr L Cooper	
	Cr C Darby	
	Cr A Filipaina	
	Mayor P Goff	
	Cr S Henderson	
	Cr R Hills	
	Cr T Mulholland	
	Cr G Sayers	
	Cr D Simpson	
	Cr S Stewart	
	Cr J Watson	
	Cr P Young	

The motion was declared LOST by 2 votes to 15.

Subclause b) ii) of the substantive motion was put at this time.

Resolution number GB/2020/13

MOVED by Mayor P Goff, seconded by Cr P Young:

That the Governing Body:

- b) seek legislative change to:
- ii) allow Auckland Council to consider the creation of Maori wards for the 2025 local government elections which reflect the provision of Māori electorates for Parliament.

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

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr J Bartley	Cr C Fletcher	
Cr C Casey	Cr D Newman	
Deputy Mayor BC Cashmore	Cr G Sayers	
Cr L Cooper	Cr D Simpson	
Cr C Darby	Cr S Stewart	
Cr A Filipaina	Cr J Watson	
Mayor P Goff		
Cr S Henderson		
Cr R Hills		
Cr T Mulholland		
Cr P Young		

The motion was declared CARRIED by 11 votes to 6.

CARRIED

Resolution number GB/2020/14

MOVED by Cr T Mulholland, seconded by Cr L Cooper an amendment by way of replacement to clause e):

**That the Governing Body:**

- e) nominate two councillors to attend the Justice Committee hearing.**

CARRIED

Voting on the substantive motion continued in parts.

Resolution number GB/2020/15

MOVED by Mayor P Goff, seconded by Cr P Young:

That the Governing Body:

- a) approve the draft submission in Attachment A of the agenda report for submitting to the Justice Committee's Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections, incorporating the following changes:**
- i) the removal of section six**
  - ii) the addition of asking for a review of elections to bodies with low electoral understanding, interest and voting turnout for example the Entrust Elections**
  - iii) note that with the passage of time trust boundaries no longer align with local government boundaries however the council does not support a review of boundaries, due to difficulties associated with changing boundaries and these elections are not connected to local government elections.**
- note the Birkenhead Licensing Trust opposes any changes to their boundaries.**

CARRIED

Resolution number GB/2020/16

MOVED by Mayor P Goff, seconded by Cr P Young:

**That the Governing Body:**

- b) seek legislative change to:**
- i) allow Auckland Council to determine the size of its membership, consistent with other councils.**

CARRIED

Resolution number GB/2020/17

MOVED by Mayor P Goff, seconded by Cr P Young:

That the Governing Body:

- c) receive the local board feedback included in Attachment B of the agenda report as well as the feedback provided by the Kaipātiki, Ōtara-Papatoetoe, Upper Harbour and Waitemāta local boards and agree that local board recommendations are appended to the Auckland Council submission.**
- d) advise the Justice Committee that the council wishes to present its submission.**

CARRIED



Resolution number GB/2020/18

MOVED by Mayor P Goff, seconded by Cr P Young:

**That the Governing Body:**

- e) **nominate Cr J Bartley and Cr C Darby to attend the Justice Committee hearing.**

**CARRIED**

Resolution number GB/2020/19

MOVED by Mayor P Goff, seconded by Cr P Young:

**That the Governing Body:**

- f) **authorise the General Manager Democracy Services, in consultation with the Mayor, to make amendments to the draft submission in line with changes agreed at the meeting and to make any other changes of an editorial nature.**

**CARRIED**

For clarity, the resolution reads as follows:

That the Governing Body:

- a) approve the draft submission in Attachment A of the agenda report for submitting to the Justice Committee's Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections, incorporating the following changes:
- i) the removal of section six
  - ii) the addition of asking for a review of elections to bodies with low electoral understanding, interest and voting turnout for example the Entrust Elections
  - iii) note that with the passage of time trust boundaries no longer align with local government boundaries however the council does not support a review of boundaries, due to difficulties associated with changing boundaries and these elections are not connected to local government elections.  
  
note the Birkenhead Licensing Trust opposes any changes to their boundaries.
- b) seek legislative change to:
- i) allow Auckland Council to determine the size of its membership, consistent with other councils
  - ii) allow Auckland Council to consider the creation of Maori wards for the 2025 local government elections which reflect the provision of Māori electorates for Parliament.
- c) receive the local board feedback included in Attachment B of the agenda report as well as the feedback provided by the Kaipātiki, Ōtara-Papatoetoe, Upper Harbour and Waitemāta local boards and agree that local board recommendations are appended to the Auckland Council submission.
- d) advise the Justice Committee that the council wishes to present its submission.
- e) nominate Cr J Bartley and Cr C Darby to attend the Justice Committee hearing.
- f) authorise the General Manager Democracy Services, in consultation with the Mayor, to make amendments to the draft submission in line with changes agreed at the meeting and to make any other changes of an editorial nature.

#### **Attachments**

- A 27 February 2020, Governing Body: Item 10 - Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections, Kaipātiki, Ōtara-Papatoetoe, Upper Harbour and Waitemāta Kaipātiki, Ōtara-Papatoetoe LB feedback

**11 Appointment of representatives to Ark in the Park Governance Group**

*Cr S Stewart left the meeting at 2.38 pm.*

Note: changes to the original motion were incorporated with the agreement of the meeting.

Resolution number GB/2020/21

MOVED by Cr C Fletcher, seconded by Cr T Mulholland:

**That the Governing Body:**

- a) **appoint Cr W Walker and Cr S Henderson, with Cr L Cooper as an alternate, to the Ark in the Park Governance Group for the 2019 to 2022 electoral term.**

**CARRIED**

**12 Auckland Council Submission on Funding Options for Fire and Emergency NZ**

Resolution number GB/2020/22

MOVED by Mayor P Goff, seconded by Cr T Mulholland:

**That the Governing Body:**

- a) **approve the submission on funding options for Fire and Emergency New Zealand (Attachment A of the agenda report)**
- b) **delegate to the chair of the Finance and Performance Committee and Group Chief Financial Officer to authorise any minor amendments and corrections to the submission.**

**CARRIED**

**13 Governing Body's Forward Work Programme**

Resolution number GB/2020/23

MOVED by Mayor P Goff, seconded by Deputy Mayor BC Cashmore:

**That the Governing Body:**

- a) **approve the Governing Body's forward work programme.**
- b) **agree that the Governing Body's forward work programme be reported monthly for information and reviewed on a six-monthly basis in July and December each year.**

**CARRIED**

**14 Summary of Governing Body information memoranda and briefings - 27 February 2020**

Resolution number GB/2020/24

MOVED by Mayor P Goff, seconded by Cr D Simpson:

**That the Governing Body:**

- a) **receive the Summary of Governing Body information memoranda and briefings – 27 February 2020.**

**CARRIED**

**15 Recommendation to appoint an Acting Chief Executive and update on Chief Executive recruitment process**

Resolution number GB/2020/25

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

**That the Governing Body:**

- a) note that there is a confidential report included in the agenda and provides information regarding the process to appoint the next Chief Executive.

**CARRIED**

**16 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

**17 Procedural motion to exclude the public**

Resolution number GB/2020/26

MOVED by Mayor P Goff, seconded by Deputy Mayor BC Cashmore:

**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: Recommendation to appoint an Acting Chief Executive and update on Chief Executive recruitment process**

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>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 relates to the setting of a recruitment process for the chief executive, and the committee may discuss matters relating to the person specification or potential candidates.</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**

2.49pm 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.

3.00pm The public was re-admitted.

## **RESTATEMENTS**

It was resolved while the public was excluded:

### **C1 CONFIDENTIAL: Recommendation to appoint an Acting Chief Executive and update on Chief Executive recruitment process**

Note: changes to the original motion were incorporated by the addition of subclause b) i), with the agreement of the meeting.

Resolution number GB/2020/27

MOVED by Mayor P Goff, seconded by Cr A Filipaina:

That the Governing Body:

- a) note the updated timeline for the recruitment of a new Chief Executive
- b) agree that Ms Patricia Reade, Director of People & Performance be appointed as Acting Chief Executive effective from when Mr Town leaves council until the term of the new Chief Executive commences:
  - i) agree that the acting Chief executive be paid at 86% of the current Chief Executive salary (\$600,000) and for this to be pro-rated for the time she is in the role.
- c) delegate to the Acting Chief Executive all Council responsibilities, duties, and powers that were previously delegated to the Chief Executive, and authorise Ms Reade to have all functions, duties and powers conferred on the chief executive, or principal administrative officer, of Auckland Council by statute or otherwise.

#### Restatement

- d) agree that the decisions only be restated but the report and attachments remain confidential.

3.00 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:**.....