



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 27 March 2019

Time: 10.15am

Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Present: R Graham - Chairman
P Bailey
T Belford
A J Dick
D Hewitt
N Kirton
F Wilson

In Attendance: M Mohi – Chairman – Maori Committee
J Palmer – Chief Executive
J Ellerm – Group Manager Corporate Services
T Skerman – Group Manager Strategic Planning
L Hooper – Principal Advisor Governance
J Lawrence – Group Manager Office of the CE & Chair
A Redgrave – Transport Manager
E Humphries – Policy Planner

1. Welcome/Prayer/Apologies/Notices

The Chair welcomed everyone to the meeting and Mike Mohi opened with a karakia, acknowledging the passing of Marge Smith, who will be sorely missed.

Resolution

RC33/19 Resolution

That the apologies for absence from Councillors Peter Beaven and Rick Barker be accepted, and apologies, and apologies from Mike Mohi and Councillor Fenton Wilson for early departure.

**Bailey/Belford
CARRIED**

2. Conflict of Interest Declarations

There were no conflict of interest declarations.

3. Confirmation of Minutes of the Extraordinary Regional Council Meeting Held on 20 March 2019

RC34/19 Resolution

Minutes of the Extraordinary Regional Council Meeting held on Wednesday, 20 March 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Bailey/Belford
CARRIED**

4. Follow-up Items from Previous Regional Council Meetings

In relation to the questions arising from the discussion of the Regional Public Transport Plan, it was advised that an invitation will be extended to councillors to a seminar or workshop about transport issues, including public transport, to engender better understanding and discuss a strategy for the future of public transport services.

In relation to the LGOIMA requests, councillors were advised that Council has responded to the Greenpeace LGOIMA request for councillors' business interests, advising that the only information Council holds in that regard is councillors' Declarations of Interest.

RC35/19 Resolution

That the Council receives and notes the ***“Follow-up Items from Previous Meetings”*** staff report.

**Bailey/Wilson
CARRIED**

5. Call for Minor Items of Business Not on the Agenda

Recommendations

That Council accepts the following ***“Minor Items of Business Not on the Agenda”*** for discussion as Item 16:

Topic	Raised by
Climate change rally	Cr Bailey
Parliamentary Commissioner for the Environment	Cr Belford

6. Report and Recommendations from the Corporate and Strategic Committee

Jessica Ellerm introduced the item, including two items recommended by the Committee for decision being adoption of the amended Health and Safety Governance Charter and the financial delegations. James Palmer highlighted the amended wording in relation to the financial delegations for funds not included in LTP or annual plan budget provisions. Clarification was provided, that \$50 million of investment funds consisted of \$10 million to HBRIC for the Port transaction and the \$40 million invested through the investment managers.

RC36/19 Resolutions

The Corporate and Strategic Committee recommends that Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on these matters without conferring directly with the community and persons likely to be affected by or to have an interest in the decisions.

2019 Local Governance Statement Update

2. Accepts the "2019 Local Governance Statement" for publication to the Hawke's Bay Regional Council website.

Financial Delegations

3. Adopts the Staff Financial Delegations following, as amended to incorporate the feedback received at the 6 March 2019 Corporate and Strategic Committee meeting.

Financial Delegations – where provision is made in the LTP / Annual Plan (Operating & Capital)	
CE	Authority to implement the LTP / Annual Plan as approved by Council
Group Manager – Office of the Chair and Chief Executive	Up to \$200,000 for any one commitment
All Other Group Managers	Up to \$150,000 for any one commitment
Emergency Management – Group and Local Controllers	Up to \$100,000 for any one commitment
All Other Staff	Delegations provided by their Group Manager up to a level of \$100,000 for any one commitment

Financial Delegations – where no provision is made in the LTP / Annual Plan	
Operating Expenditure	
Any material operating expenditure that is outside the provisions of the LTP / Annual Plan should be raised with Council as soon as practical to obtain their agreement to proceed with the expenditure and to confirm how this will be funded. If it is agreed to fund through reductions in other budgets this will be reported on to Council through the quarterly operations report. Other options may include loan borrowing or letting the cost hit the bottom line.	
The Regional Council contingency budget will only be used once confirmed by the Council. This will usually occur in the 9 month reforecast exercise each year	

Capital Expenditure	
CE	Up to \$50,000 for any one commitment if funded via the asset replacement reserve.
Group Managers	Up to \$20,000 for any one commitment if funded via the asset replacement reserve.
Council	Any capital expenditure outside of these delegations must go to Council for approval.

Health and Safety Work Programme

4. Adopts the Health and Safety Governance Charter as proposed.

Reports Received

5. Notes that the following reports were provided to the Corporate and Strategic Committee
 - 5.1. Report and Recommendations from the Finance Audit and Risk Subcommittee
 - 5.2. HB Tourism Update
 - 5.3. Matters Arising from Audit NZ 2018-28 Long Term Plan Audits
 - 5.4. Organisational Performance Update for the Period 1 July 2018 to 31 January 2019
 - 5.5. Health and Safety Work Programme.

**Kirton/Bailey
CARRIED**

7. Freshwater Security Scheme

Tom Skerman introduced Ellen Humphries, who last presented a draft of the scheme and policy to councillors at a 30 January workshop. Discussions and queries covered:

- The policy outlines how specified Long Term Plan funding will be allocated and administered
- Two parallel work streams look strategically into the future as well as responding to urgent community needs – Regional Freshwater Assessment (\$500,000) and Ready Reaction Fund (\$4.5 million)
- first two projects under the Ready Reaction Fund are the Heretaunga Flow Enhancement and Tukituki Water Security projects
- Feedback from January workshop taken into account in the updated document, including alignment of the conflicts of interest clauses with the Code of Conduct and relevant staff policies, clarification that enabling high value land use is not the same as grandfathering current land use, and enable opportunities to leverage central government funding
- Water security related applications to Provincial Growth Fund in conjunction with region's territorial authorities
- Governance of the fund to be by the Environment and Services Committee, which will recommend budget allocations to Council
- Scope of the work streams and funding available not initially fixed to any particular schemes however that will change as investigations and feasibility studies are undertaken to enable allocating funds to specific schemes
- The wording used in the Scope section reflects the LTP decisions made as consulted on
- Opportunities in the Wairoa area
- Umbrella for this scheme is water security and key thrust of assessment is around demand and supply
- Water augmentation is adding water to the system through a range of means including water savings, conservation and efficiency, and water storage for multi-value benefits including for ecosystem health
- Water use efficiency is being driven by work with irrigators through the planning and regulatory framework and runs alongside this policy
- Scheme criteria to ensure that consideration is given to the wider community values for water as a taonga
- This policy is for administrative guidance rather than a publically contestable fund, in contrast to the Erosion Control Scheme

- The Scheme and its policy will likely be reviewed in light of PGF funding application decisions once those have been made

RC37/19

Resolutions

That Hawke's Bay Regional Council:

1. Receives and notes the "*Freshwater Security Scheme*" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this matter without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
3. Adopts the Freshwater Security Scheme Policy as amended as agreed.
4. Directs staff to report to the 19 June 2019 Environment and Services Committee meeting on the outcomes of the Provincial Growth Fund applications and the implications of those on the Freshwater Security Scheme work streams.

**Belford/Kirton
Abstained: Dick
CARRIED**

8. Affixing of Common Seal

Reason for Report

1. The Common Seal of the Council has been affixed to the following documents and signed by the Chairman or Deputy Chairman and Chief Executive or a Group Manager.

		Seal No.	Date
1.1	Leasehold Land Sales		
1.1.1	Lot 153 DP 10775 CT B2/1137 - Agreement for Sale and Purchase - Transfer	4303 4308	5 March 2019 18 March 2019
1.1.2	Lot 150 DP 12780 CT E1/751 - Transfer	4304	6 March 2019
1.1.3	Lot 80 DP 11780 CT C3/510 - Agreement for Sale and Purchase	4305	6 March 2019
1.1.4	Lot 3 DP 4578 CT 56/142 - Agreement for Sale and Purchase	4306	6 March 2019
1.1.5	Lot 2 DP 1182 CT C4/669 - Agreement for Sale and Purchase	4307	18 March 2019
1.2	Staff Warrants		
1.2.1	L. Dragovich <i>(Delegations under Biosecurity Act 1993; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i>	4302	26 February 2019

	1.2.4 N. Rakei (Delegations under the Civil Defence Emergency Management Act 2002 (s.86-92 inclusive) and Clause 32B Schedule 7 of the Local Government Act 2002)	4301	26 February 2019
--	--	------	------------------

RC38/19 **Resolutions**

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Confirms the action to affix the Common Seal.

**Wilson/Belford
CARRIED**

9. Officers' Analysis of Submissions Received on the Establishment of a New Council Controlled Organisation

Jessica Ellerm introduced the item, which sets out the Officers' analysis of the submissions received for councillors to consider in deciding whether to establish a new CCO to facilitate the potential Napier Port IPO.

RC39/19 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and notes the "*Officers' Analysis of Submissions Received on the Establishment of a new Council Controlled Organisation*" staff report.
2. Considers this feedback alongside its other considerations for the 27 March 2019 Regional Council meeting – particularly the Shareholder Rights decision item and the Establishment of a Council Controlled Organisation decision item.

**Wilson/Belford
CARRIED**

10. Establishment of a Council Controlled Organisation to Facilitate a Potential Minority IPO of Napier Port

Jessica Ellerm introduced the item, in which staff recommend that Council does establish a new CCO, with discussions and queries covering:

- Company constitution will include shareholder rights provisions and will be ratified by Council
- Reporting on the themes and substance of submissions rather than numbers and percentages, or 'votes'
- Essentially a technical process to enable Council to decide the best governance model in the ratepayers' best interests should the IPO transaction proceed.

RC40/19 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and notes the "*Establishment of a Council Controlled Organisation to Facilitate a Potential Minority Initial Public Offering of Napier Port*" staff report.
2. Notes that a consultation process has been carried out by Council, in accordance with the Local Government Act 2002, covering the proposal to establish a new Council Controlled Organisation.
3. Notes the receipt of submissions and findings from the consultation process that has been undertaken in respect of the proposed establishment of a new

company (being a 100% subsidiary of Hawke's Bay Regional Investment Company (HBRIC) pre-listing and a majority owned subsidiary of HBRIC post-listing), which will result in the establishment of a new Council Controlled Organisation under the Local Government Act 2002.

4. Notes the separate but related Council report titled "Officers' Analysis of Submissions Received on Establishing a new Council Controlled Organisation".
5. Notes that the decision that Council is tasked with making on whether to approve the establishment of a new Council Controlled Organisation (CCO) is part of a sequence of decisions. Once the decision to approve the establishment of a new CCO is made, an amendment to the Long Term plan will provide for the CCO pending a final decision to proceed with the Initial Public Offering transaction.
6. Agrees that the most appropriate corporate structure for the listed entity is the new Council Controlled Organisation as consulted on in the consultation proposal.
7. Agrees that a new Council Controlled Organisation should be established, following any decision by Council to proceed with a minority listing of shares in Napier Port.
8. Delegates the authority to HBRIC to establish the new Council Controlled Organisation for the purposes of offering a minority stake in Napier Port, subject to Council making a final decision to proceed with the minority Initial Public Offering of Napier Port.
9. Requests the newly established Council Controlled Organisation be named Napier Port Holdings Limited.
10. Notes that as part of the amendments to the Council's 2018-28 Long Term Plan, amendments will be made to reflect the intended establishment of the new Council Controlled Organisation.
11. Instructs that Council staff advise submitters on the proposal to establish a new Council Controlled Organisation (CCO) of the resolutions made by Council at this meeting in relation to the establishment of the new CCO and shareholder protections.

Kirton/Belford
CARRIED

11. Shareholder Protections - Napier Port Holdings Limited and Port of Napier Limited

Blair O'Keeffe introduced the item, which was contingent on the decision to establish the CCO and is contingent on Council's final decision whether or not to proceed with the IPO transaction. Queries and discussions traversed:

- The remuneration paid to directors once for role on both Napier Port Holdings and Napier Port boards, including Shareholder Appointed directors
- Shareholder appointed directors, and whether those appointed will be two councillors
- The responsibilities and accountability of all directors under the Companies Act, the Port Companies Act and NZX listing rules.

RC41/19 Resolutions

That Hawke's Bay Regional Council:

1. Receives and notes the "*Shareholder Protections - Napier Port Holdings Limited and Port of Napier Limited*" staff report.
2. Approves, subject to a decision on whether to proceed with a minority Initial Public Offering of Napier Port Holdings Limited (NPH), the following protections

to be established in the formation of NPH and, as necessary, within the constitution of NPH and Port of Napier Limited (as appropriate):

- 2.1. Protections to prevent Council Parties' share in Napier Port Holdings Ltd being diluted to less than a majority of 51 per cent.
 - 2.2. All and any future share issues by Napier Port Holdings Ltd must be offered to ALL shareholders on a pro rata basis (as a further protection for all shareholders and to give the Council Parties the ability to ensure its ownership position is not eroded by subsequent share issues).
 - 2.3. The boards of Napier Port Holdings Ltd and Port of Napier Ltd shall be the same, such that they operate as one company in the eyes of all shareholders.
 - 2.5. Information sharing protocols and a confidentiality agreement are to be established between Napier Port Holdings Ltd, Port of Napier Ltd and Council Parties to provide a framework for Regional Council having access to information about Napier Port. The categories of information that could be passed to the Council Parties would need to be agreed to by the independent directors of both NPH and Napier Port and also fall within the permitted parameters of the NZX Listing Rules and the Companies Act. The categories of information could include information that the Council Parties require to comply with their own legal, financial report and tax obligations and other non-price sensitive information. The negotiation and finalisation of the Information sharing protocols and Confidentiality Agreement would be delegated by the Council Parties to the Hawke's Bay Regional Council Chief Executive.
3. To add the following as additional items that must be approved by Napier Port Holdings Limited's (NPH) shareholders (beyond those provided by existing law as matters requiring shareholder approval and subject to those applicable laws, including the NZX Listing Rules) if any of the following matters were proposed by NPH or Port of Napier Ltd. These items are recommended for the benefit of all shareholders.
- 3.1. A "major transaction" (as defined in the Companies Act), being a transaction such as the acquisition or disposal of assets or incurring liabilities or obligations with a value of more than 30 per cent of the value of NPH's or Napier Port's gross assets (i.e., with no deduction for liabilities). This is a reduction from the Companies Act threshold which requires a vote on a transaction at the threshold of more than 50 per cent of a company's gross assets. This reduction in the threshold provides greater oversight, influence and visibility of major transactions to all shareholders.
 - 3.2. Any future amendment of the constitution of Napier Port (noting that protection already exists for any amendments to the constitution of NPH)
 - 3.3. Any transfer or issue of shares in Napier Port, other than to a directly or indirectly wholly-owned subsidiary of NPH. This ensures that Napier Port remains 100% controlled by NPH unless the required shareholder approval is obtained, and maintains the premise of NPH and Napier Port operating as one company and investment for all shareholders.
 - 3.4. A restrictive covenant or encumbrance will be registered in favour of the Council Parties restricting the use of land at Napier Port's main site to activities associated with operating a Port. This covenant or encumbrance will also restrict any future sales of the main site to transfers where the Council Parties have consented to such transfer
 - 3.7. Notes, that in respect of any of the above rights to be entrenched in the constitutions as part of these recommendations, Ministerial approval will

be required.

- 3.8. The finalisation and detailed implementation of the recommendations outlined are delegated to the Hawke's Bay Regional Council Chief Executive, working with HBRIC Ltd and Napier Port Holdings Ltd, and subject to a Council decision on whether to proceed with the Initial Public Offering transaction.

**Dick/Belford
CARRIED**

- 2.4. Two appropriately qualified non-independent directors should be appointed to the Napier Port Holdings Ltd (NPH) and Port of Napier Ltd boards as Majority Shareholder-Appointed Directors to provide direct insight into Napier Port Holdings Ltd (NPH) and Port of Napier Ltd board matters (noting that the directors appointed to the board of NPH must operate in the best interests of NPH, rather than any one group of shareholders, as required by the Companies Act). Such appointments will need to be made in accordance with Council's director appointment policy.

**For: Dick, Bailey, Wilson, Belford, Graham
Against: Hewitt, Kirton
Bailey/Belford
CARRIED**

Mike Mohi was excused at 12.11pm

- 3.5. Notes that Port of Napier Ltd will continue to be required to prepare and publish a Statement of Corporate Intent.

**Hewitt/Dick
CARRIED**

- 3.6. Notes that the Regional Council will convey its desires through its affiliated directors on the Napier Port Holdings Ltd (NPH) and Port of Napier Ltd boards, or through a more formal letter of expectations to NPH.

**Kirton/Belford
CARRIED**

12. Amendment to HBRC's 2018-2028 Long Term Plan to Provide for the Napier Port Initial Public Offering

Jessica Ellerm introduced the item, for the adoption of the amendments to the LTP as Council's primary planning document, which must be made prior to Council's decision whether to proceed with the IPO. As LTP amendment was part of the Our Port consultation process councillors have been asked to reflect on the feedback received previously through that process. It was further noted that Council has received Audit clearance on the amendment this morning.

RC42/19

Resolutions

That Hawke's Bay Regional Council:

1. Receives and notes the "**Amendment to HBRC's 2018-2028 Long Term Plan to provide for the Napier Port Initial Public Offering**" staff report and the proposed amended pages to Council's 2018-2028 Long Term Plan.
2. Receives the Audit New Zealand audit opinion on the amendments to the Council's 2018-2028 Long Term Plan.
3. Notes that a proposed 2018-2028 Long Term Plan amendment was consulted on as part of the special consultative procedure on the four options to fund the growth of Napier Port entitled 'Our Port – Have your Say'.
4. Notes that Council has previously received and considered an option selection decision report which outlined the advantages and disadvantages of the

reasonably practicable options before making its in-principle decision to proceed with further work to refine its preferred option.

5. Notes that Council has previously received and considered submissions and findings from the special consultative procedure in December 2018, before making its in-principle decision to proceed with further work on the Initial Public Offering Transaction.
6. Agrees that the further changes to the 2018-2028 Long Term Plan (LTP) amendment do not vary materially from the proposed LTP amendment that accompanied the 'Our Port – Have Your Say' consultation document.
7. Notes that the adoption of the attached amendment to the 2018-2028 Long Term Plan does not constitute a decision to proceed with a minority Initial Public Offering.
8. Adopts the attached amendment to the 2018-2028 Long Term Plan as presented, with any minor editorial corrections as necessary, to explicitly provide for any final decision to transfer the ownership or control of a minority stake in Napier Port through the appropriate listing structure.
9. Instructs staff to publish the amended 2018-2028 Long Term Plan in its final form.
10. Instructs staff to advise submitters on the 'Our Port – Have your Say' consultation of the resolutions made by Council at this meeting in relation to the amendment to the 2018-28 Long Term Plan.

**Wilson/Belford
CARRIED**

13. March 2019 Napier Port IPO Transaction Project Update

Blair O'Keeffe introduced the item, advising most of the content of the update was the subject of the decisions Council made today and that work is still working toward a decision on whether to proceed on 1 May.

RC43/19 Resolution

That Hawke's Bay Regional Council receives and notes the "**March 2019 Napier Port IPO Transaction Project Update**" staff report.

**Wilson/Kirton
CARRIED**

The meeting adjourned at 12.25pm and reconvened at 1.07pm, with Councillor Wilson having been excused.

14. HB CDEM Group 2017-18 Annual Report

Ian Macdonald, Group Controller, introduced the item – an update on the activities of the Civil Defence group in the last financial year. Discussions traversed:

- Biggest concerns around long term risk reduction through landuse planning for areas along the coast, particularly relating to the Hikurangi Trench
- Flood protection and drainage infrastructure assets and their development to respond to increased frequency and intensity of extreme weather events resulting from climate change
- All councils have built climate change assumptions into their asset infrastructure strategies and asset management plans, and the role of the regional council in advocacy and leadership around climate change adaptation and mitigation work as has happened with development of the Coastal Hazards Strategy
- Regional Policy Statement amendments to reflect the higher risks around climate change
- TAs residual responsibilities in terms of staff, facilities and business continuance plans
- Still work going on with the shared service model only having been in effect since

mid-2018 and lots of progress has been made but is not evident in the 2017-18 annual report due to the timing

- Engagement with the district health board and capability of the DHB to respond in an event

RC44/19 **Resolution**

That the Hawke's Bay Regional Council receives and notes the ***"HB CDEM Group 2017-18 Annual Report"***.

Bailey/Belford
CARRIED

15. **Significant HBRC Activities through April 2019**

The item was taken as read, with questions and discussions traversing:

- Ahuriri ColiMinder technology for monitoring real-time water quality, with study under way into whether more timely results can be made available to the public remotely
- Resource consent applications for Stormwater discharges to Ahuriri Estuary are on hold - NCC awaiting tangata whenua feedback and Landcorp awaiting further information requested
- Erosion Control Scheme applications from landowners resulting from some targeted communications but mostly spread through word of mouth and a potential approach to Council for bringing forward some of the funding to respond to the level of interest, which has exceeded expectations
- the insertion of the sleeve into the pipeline started Monday and Pan Pac is hoping to be able to confirm that repairs are complete by the end of this week subject to weather conditions
- Faecal source tracking for Pandora Pond and query whether monitoring of inner harbour is possible in conjunction with NCC and the Port, within the existing work programme and budgets, including a preliminary assessment for the June Environment and Services Committee meeting
- Monitoring network review to be undertaken collaboratively with all related agencies, to look at the entire monitoring network

RC45/19 **Resolution**

That the Hawke's Bay Regional Council receives and notes the ***Significant HBRC Activities through April 2019*** report.

Dick/Bailey
CARRIED

16. **Discussion of Minor Items Not on the Agenda**

Topic	Raised by
Climate change rally Paul Bailey showed photos taken at the students' climate change rally, which brought the general public's lack of understanding of what Council does in the area of climate change into relief and how that work might be more evident on the website	Cr Bailey
Parliamentary Commissioner for the Environment Climate Change report released, and there will be advice in relation to what implications that might have for Council's forestry initiatives provided to a future Environment and Services Committee meeting	Cr Belford

17. Nominations for Certificates of Appreciation

RC46/19 Resolution

That Council excludes the public from this section of the meeting, being Agenda Item 17 Nominations for Certificates of Appreciation with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Nominations for Certificates of Appreciation	7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Bailey/Kirton
CARRIED**

18. 2019-20 Annual Plan Communications Plan

RC47/19 Resolution

That Council excludes the public from this section of the meeting, being Agenda Item 18 2019-20 Annual Plan Communications Plan with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
2019-20 Annual Plan Communications Plan	7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Bailey/Kirton
CARRIED**

19. Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 27 February 2019

RC48/19 Resolution

That the Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 19 with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Napier Port Director Reappointment	7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Port Development Project February 2019 Update	7(2)(b)(ii) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of that information is necessary to protect information which otherwise would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information 7(2)(j) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
Shareholder Appointed Directors	7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
Napier to Wairoa Rail Reinstatement	7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Bailey/Kirton
CARRIED**

20. HBRIC Ltd Independent Director Remuneration

That Council excludes the public from this section of the meeting, being Agenda Item 20 HBRIC Ltd Independent Director Remuneration with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
HBRIC Ltd Independent Director Remuneration	7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Bailey/Kirton
CARRIED**

The meeting went into public excluded session at 1.45pm and out of public excluded session at 2.04pm

Closure:

There being no further business the Chairman declared the meeting closed at 2.04pm on Wednesday 27 March 2019.

Signed as a true and correct record.

DATE:

CHAIRMAN: