
Council Kaunihera OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and Audio Visual Link on Thursday 9 March 2023 at 9.30am.

PRESENT

Chairperson Mayor Paula Southgate
Heamana

Deputy Chairperson Deputy Mayor Angela O’Leary
Heamana Tuarua

Members Cr Ryan Hamilton
Cr Maxine van Oosten
Cr Moko Tauariki
Cr Ewan Wilson
Cr Mark Donovan
Cr Louise Hutt
Cr Andrew Bydder
Cr Sarah Thomson (via audio visual link)
Cr Emma Pike
Cr Melaina Huaki
Cr Anna Casey-Cox
Cr Kesh Naidoo-Rauf

In Attendance: Lance Vervoort – Chief Executive
Blair Bowcott – General Manager Growth
Helen Paki – General Manager Community
Nicolas Wells – Strategic Property Manager

Governance Staff: Amy Viggers – Governance Lead
Carmen Fookes – Senior Governance Advisor
Arnold Andrews – Governance Advisor

Cr Huaki opened the meeting with karakia.

1. Apologies – Tono aroha

Resolved: (Mayor Southgate/Cr Donovan)
That the apologies for absences from Cr Taylor are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Mayor Southgate/Cr Bydder)

That the agenda is confirmed noting that:

- a) Item C4 (Recommendation from the CE Review Committee) is to be taken at 12.00pm; and
- b) the following items were referred to this Council meeting from the Infrastructure and Transport Committee meeting of 7 March 2023 and will be taken following:
 - i. Contract Approval - Intelligent Transport System Assets Maintenance
 - ii. Extension of Transportation Corridor Maintenance and Renewal Contract (12080)
 - iii. Newcastle Water Demand Management Area- Increase in Contract Sum
 - iv. Mangaonua Gully Restoration- Increase in Contract Sum
 - v. Carshare Agreement

3. Declarations of Interest – *Tauaakii whaipaaanga*

No members of the Council declared a Conflict of Interest.

4. Public Forum – *Aatea koorero*

No members of the public wished to speak.

5. Confirmation of the Council Open Minutes - 2 February 2023

Resolved: (Cr Wilson/Cr Casey-Cox)

That the Council confirm the Open Minutes of the Council Meeting held on 2 February 2023 as a true and correct record.

6. Confirmation of the Extraordinary Council Open Minutes - 16 February 2023

Resolved: (Cr Wilson/Cr Casey-Cox)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 16 February 2023 as a true and correct record.

7. Confirmation of the Elected Member Open Briefing Notes - 1 February 2023

Resolved: (Cr Wilson/Cr Casey-Cox)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 1 February 2023 as a true and correct record.

8. Confirmation of the Elected Member Open Briefing Notes - 15 February 2023

Resolved: (Cr Wilson/Cr Donovan)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 15 February 2023 as a true and correct record.

9. Chair's Report

The Mayor introduced her report, noting the proposed membership on the Waikato Regional Council Regional Transport Committee and support for Cyclone Gabrielle victims through the Adopt a City programme. Deputy Mayor O'Leary provided a further update concerning the Regional Transport Committee, noting the purpose and structure of the Committee. Along with staff, the Mayor responded to questions from Elected Members concerning a Mayor's Office Fund.

Resolved: (Mayor Southgate/Cr van Oosten)

That the Council:

- a) receives the report; and

- b) approves Deputy Mayor O’Leary, and Cr van Oosten as alternate, as Hamilton City Council’s representatives on the Waikato Regional Council Regional Transport Committee
- c) approves that \$5,000 be donated to Auckland Mayoral Fund to assist Cyclone Gabrielle victims.

10. 9 Callard Place, Hamilton – Encumbrance

The Strategic Property Manager introduced the report and responded to questions from Elected Members concerning consultation with Te Papa Atawhai (Department of Conservation).

Resolved: (Cr Donovan/Cr Bydder)

That the Council:

- a) receives the report;
- b) approves Option one in the staff report – to remove the encumbrance on 9 Callard Place, Hamilton, reference number 6013848.1, registered on Record of Title SA70B/422;
- c) delegates the Chief Executive to sign all documentation relating to the removal of the encumbrance; and
- d) notes that the property owner will meet all costs associated with removing the encumbrance.

11. Review of Standing Orders

The Governance Lead took the report as read. Staff responded to questions from Members regarding Council business, audio visual link, legal legislation for quorum, and requirement for three-quarters approval.

Resolved: (Deputy Mayor O’Leary/Mayor Southgate)

That the Council:

- a) receives the report; and
- b) approves the updated version of Council’s Standing Orders (**Attachment 1** of the staff report) be adopted subject to the following changes being incorporated:
 - i. that absence for the purpose of Council business will be recorded in the minutes; and
 - ii. that 14.1 is amended to:

A member may attend a meeting by audio visual link, either generally or for a specific meeting, noting that where possible, a member will notify the Governance Team at least 2 working days’ notice when they want to attend a meeting by audio or audio-visual link. Should, due to illness or unforeseen circumstances, this not be possible the member may give less notice. Member’s need to note that they may be asked by the Chair to attend in person in order to meet a physical quorum.

12. Recommendations from Open Committee Meetings

Staff responded to questions from Members concerning consultation waste from crematorium and cemeteries.

Determination Report - Cemeteries and Crematorium Bylaw 2012 and Cultural and Recreational Facilities Bylaw 20122

Resolved: (Cr Naidoo-Rauf/Cr Casey-Cox)

That the Council:

- a) determines that a Cemeteries and Crematorium Bylaw is the most appropriate mechanism for addressing issues relating to the management of cemeteries and crematoria; and
- b) determines that a Cultural and Recreational Facilities Bylaw is the most appropriate mechanism for addressing issues relating to public safety at our cultural and recreational facilities; and
- c) notes that staff will begin the review of the bylaws including the preparation of draft statements of proposal subject to b) being approved by the Council.

Financial Performance & Strategy Report to 31 January 2023

Resolved: (Cr van Oosten/Cr Tauariki)

That the Council:

- a) approves the capital movement as identified in paragraph 27 of the 31 January 2023 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 58 to 59 of the staff report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 61 to 63 of the staff report.

13. Resolution to Exclude the Public

Resolved: (Cr Hamilton/Cr O'Leary)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes - 2 February 2023) Good reason to withhold) information exists under) Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Elected Member Closed Briefing Notes - 1 February 2023) Official Information and) Meetings Act 1987)	
C3. Structures Asset Management Services Contract 1768-2022 Award		
C4. Recommendation from the CE Review Committee		

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- C1. Contract Approval -
Intelligent Transport
System Assets
Maintenance
 - C2. Extension of
Transportation Corridor
Maintenance and
Renewal Contract (12080)
 - C3. Newcastle Water Demand
Management Area-
Increase in Contract Sum
 - C4. Mangaonua Gully
Restoration- Increase in
Contract Sum
 - C5. Carshare Agreement

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:

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
Item C4.	to enable Council to carry out negotiations to protect the privacy of natural persons	Section 7 (2) (a)
Item C1.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
	to enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C3.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C4.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
	to enable Council to carry out negotiations	
Item C5.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)

The meeting went into public excluded session at 10.28am.

The meeting was declared closed at 12.57pm.

Minute Note 7/08/2023

On 7/08/2023 the following resolutions were determined to be released to the public via these minutes and the quarterly update.

C3. Structures Asset Management Services Contract 1768-2022 Award

Resolved:

That the Council:

- a) receives the report;*
- b) approves the award of contract 1768-2022 for Structures Asset Management Services to Beca Limited for a contract sum of \$544,053 with a term of six (6) years (3 +3) based on performance;*
- c) notes that the contract 1768-2022 is currently budgeted for in approved Council budgets including the 2021-31 Long Term Plan*
- d) delegates authority to the General Manager Infrastructure Operations to finalise and execute contract 1768-2022 (**Attachment 1**); and*
- e) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.*

C1. Contract Approval - Intelligent Transport System Assets Maintenance

Resolved:

That the Council:

- a) receives the report;*
- b) delegates authority to the Chief Executive to direct appoint C B Developments Ltd (trading as Opito) for the delivery of CON00001940/2023 - I Intelligent Transport Systems (ITS) Asset Management following contract negotiation to a maximum approved contract sum of \$5.533M over a 7-year period (5 + 1 + 1 years); and*
- c) notes that the decision in relation to this matter will be released at the appropriate time, to be determined by the Chief Executive.*

C2. Extension of Transportation Corridor Maintenance and Renewal Contract (12080)

Resolved:

That the Council:

- a) receives the report;*
- b) approves a \$6,760,100 increase in the Approved Contract Sum for Contract 12080 from \$261,459,000 to \$268,219,100 to accommodate variations including an extension of the contract period for an additional one month (30 June 2023 to 31 July 2023) in order to accommodate the administration close down of the contract prior to the start of the new CON404-2023 Collaborative Corridor Agreement (CCA); and*
- c) notes that the decision in relation to this matter will be released at the appropriate time, to be determined by the Chief Executive.*

C5. Carshare Agreement

Resolved:

That the Council:

- a) receives the report;*
- b) notes that the existing MoU agreement with Mevo (**attachment 1**) for exclusive use of carshare parking on city roads will expire on 30 April 2023;*
- c) approves the development of a Carshare Policy for Hamilton City to enable a controlled carshare system that aligns more closely with Hamilton City's strategic direction for Climate Change and it's Access Hamilton Strategy; and*
- d) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.*