
Council ***Kaunhera*** **OPEN MINUTES**

Minutes of a meeting of the Council held via an Audio Visual Link on Thursday 28 May 2020 at 10.00am.

PRESENT

Chairperson	Mayor P Southgate
Deputy Chairperson	Deputy Mayor G Taylor
Members	Cr M Bunting
	Cr M Gallagher
	Cr R Hamilton
	Cr D Macpherson
	Cr K Naidoo-Rauf
	Cr A O'Leary
	Cr R Pascoe
	Cr S Thomson
	Cr M van Oosten
	Cr E Wilson

In Attendance:	Richard Briggs – Chief Executive
	David Bryant – General Manager Corporate
	Lance Vervoort – General Manager Community
	Chris Allen – General Manager Development
	Jen Baird – General Manager City Growth
	Sean Hickey – General Manager Strategy and Communications
	Eeva-Liisa Wright – General Manager Infrastructure Operations
	Sean Murray - General Manager Venues, Tourism and Major Events
	Blair Bowcott – Executive Director Special Projects
	Tracey Musty – Financial Controller
	Sandra Murray - Consultant
	Emily Botje – Facilities Unit Manager
	Claire Foster – Property Officer
	Lee-Ann Jordan – Visitor Destinations Manager
	Alice Morris – Principal Planner
	Muna Wharawhara – Amorangi Maaori
	Rebecca Whitehead – Business and Planning Manager
	Natalie Palmer – Unit Manager Communications and Marketing
	Lauradanna Radesic – Team Leader Great River City Communication
	Wendy O'Neil – Strategic Property Team Leader
	Paul Blewman – City Safe Operations Manager

Governance Staff:	Becca Brooke – Governance Manager
	Amy Viggers – Governance Team Leader
	Ian Loiterton and Carmen Fortin - Governance Advisors

The meeting was opened with a karakia by Muna Wharawhara, Amorangi Maaori.

1. Apologies

Resolved: (Deputy Mayor Taylor/Cr Wilson)

That the apologies for lateness from Cr O'Leary, and for partial attendance (due to Council business) from Mayor Southgate are accepted.

2. Confirmation of Agenda

Resolved: (Mayor Southgate/Cr Wilson)

That the agenda is confirmed noting that the order of items is to be flexible to accommodate Elected Members availability.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

No members of the public wished to speak.

5. Confirmation of the Council Meeting Open Minutes - 30 April 2020

Resolved: (Cr Bunting/Deputy Mayor Taylor)

That the Council confirm the Open Minutes of the Council Meeting held on 30 April 2020 as a true and correct record.

6. Confirmation of the Elected Member Open Briefing Notes - 6 May 2020.

Resolved: (Cr Bunting/Cr Wilson)

That the Council confirm the Open Notes of the Elected Member Briefing held on 6 May 2020 as a true and correct record.

7. Confirmation of the Elected Member Open Briefing Notes - 13 May 2020

Resolved: (Cr Wilson/Cr Bunting)

That the Council confirm the Open Notes of the Elected Member Briefing held on 13 May 2020 as a true and correct record.

8. Chair's Report

The Chair took the report as read.

Resolved: (Deputy Mayor Taylor/Cr Wilson)

That the Council:

- a) receives the report; and
- b) notes that staff have proceeded with developing Electoral System Review engagement material, and that there will be a further opportunity for input from Elected Members into the final material at the appropriate time.

9. Fees and Charges (including GST) Proposed for Year 3 2020 21 of the 2018-28 10-Year Plan

The Financial Controller took the report as read. Staff responded to questions from Elected Members concerning building compliance fees and implications to Council, hireage fees in relation to Hamilton Zoo, wedding fees for the Hamilton Gardens, fines for rubbish dumping, and the removal of the seized skateboard release fee due to the change in the bylaw.

Resolved: (Cr Gallagher/Cr Thomson)

That the Council:

- a) approves the proposed 2020/21 Fees and Charges noting the removal of the new fees in relation to Council facilities and hiring of prams, wheelchairs and electric wheelchair fees
- b) request staff report to a future meeting of the Community Committee concerning all prams, wheelchairs and electric wheel chair fees; and
- c) noting the fees do not apply to structures exempt under schedule 1 of the Building Act.

Cr Forsyth Dissenting.

Cr O'Leary joined the meeting (10.12am) during the discussion of the above item.

Mayor Southgate left the meeting (10.34) during the discussion of the above item. She was not present when the matter was voted on.

Cr O'Leary left the meeting (10.35am) during the discussion of the above item. She was not present when the matter was voted on.

Following item 9 (Fees and Charges (including GST) Proposed for Year 3 2020 21 of the 2018-28 10-Year Plan) item 11 (Open Air Burning Bylaw 2015 review) was taken to accommodate Elected Member availability.

10. Open Air Burning Bylaw 2015 review

The General Manager City Growth took the report as read. Staff responded to questions from Elected Members concerning Incinerator fires within the boundaries of Hamilton City Council, the scope of the bylaw, and the role of District Council.

Resolved: (Cr Hamilton/Cr Wilson)

- a) receives this report; and
- b) defers the decision on the matter of the Open Air Burning Bylaw 2015 to a future meeting of the Council or appropriate Council Committee.

Cr O'Leary joined the meeting (10.57am) during the discussion of the above item. She was present when the matter was voted on.

Following item 11 (Open Air Burning Bylaw 2015 review) item 12 (Municipal Endowment Lease - Freeholding - 258 Fox Street) was taken to accommodate Elected Member availability.

11. Municipal Endowment Lease - Freeholding - 258 Fox Street

The General Manager City Growth took the report as read. Staff responded to questions from Elected Members concerning the Municipal Endowment fund, valuation of the property, and first right of refusal obligations.

Staff Action: Staff undertook to organise a briefing on the Municipal Endowment Fund.

Resolved: (Cr Wilson/Cr Hamilton)

That the Council:

- a) approves the sale of the freehold interest described in the Schedule to the lessee for a price of not less than \$380,000 (Three hundred and Eighty Thousand Dollars) including GST (if any);
- b) authorises the Chief Executive to prepare and execute an Agreement for Sale and Purchase; and any other instruments required to give effect to this resolution; and
- c) all proceeds from the sale will be credited to the Municipal Endowment Fund Cash investment fund.

SCHEDULE

All that piece of land situated in the city of Hamilton containing 558m² (more or less) being Lot 13 DPS 35611 and being all the fee simple land comprised in Certificate of Title SA9D/1231 situated at 258 Fox Street, Hamilton.

The meeting was adjourned 11.44 to 12.01pm.

Mayor Southgate re-joined the meeting during the above adjournment.

12. Contractors Minimum Wage

The Facilities Unit Manager spoke to the report and noted the figure for the cleaning and security contracts was incorrect. The \$213k should be \$107k being the financial impact forecasted for the 2020/21 year. Staff responded to question from Elected Members concerning the tendering process, cost to Council, feedback from stakeholders, the effect of the changes to the minimum wage, and how the Council's minimum wage linked with the living wage.

Motion: (Cr van Oosten/Cr Macpherson)

That the Council approves Council's Minimum Wage be applied to all new contracts and its application is negotiated as part of the procurement process for contracts tendered from 1 July 2020.

Amendment: (Cr Wilson/Mayor Southgate)

That the Council approves Council's Minimum Wage be applied to all new contracts with a term of three years or greater and its application is negotiated as part of the procurement process for contracts tendered from 1 July 2020.

Further Amendment: (Cr Forsyth/Cr Bunting)

That the Council:

- a) receives the report; and
- b) defers the decision on the matter to a future meeting of the Council.

The Amendment was put.

Those for the Amendment: Mayor Southgate, Councillors Wilson, van Oosten, Thomson, Gallagher, O'Leary and Macpherson.

Those against the Amendment: Deputy Mayor Taylor, Councillors Forsyth, Pascoe, Bunting, Hamilton and Naidoo-Rauf.

The Amendment was declared CARRIED.

The Amendment as a Substantive Motion was then put and declared CARRIED.

Resolved: (Cr Wilson/Mayor Southgate)

That the Council approves Council's Minimum Wage be applied to all new contracts with a term of three years or greater and its application is negotiated as part of the procurement process for contracts tendered from 1 July 2020.

Those for the Substantive Motion: Mayor Southgate, Councillors Wilson, van Oosten, Thomson, Gallagher, O'Leary and Macpherson.

Those against the Substantive Motion: Deputy Mayor Taylor, Councillors Forsyth, Pascoe, Bunting, Hamilton and Naidoo-Rauf.

The meeting adjourned 1.59pm to 2.49pm.

Following the above adjournment item 15 (Review of additional Maangai Maaori Representation on the Strategic Growth Committee) was taken to accommodate availability.

13. Review of additional Maangai Maaori Representation on the Strategic Growth Committee

The Governance Manager and Amorangi Maaori took the report as read and responded to from Elected Members concerning the appointment and engagement. Maanagi Thompson-Evans notes that Waikato Tainui were in full support of the staff recommendation.

Resolved: (Cr Macpherson/Cr Gallagher)

That the Council:

- a) notes that Waikato Tainui, Te Ruunanga o Kirikiriroa (**TROK**, representing Maataawaka) and Maangai Maaori are supportive of the recommendation to extend Maangai Maaori representation on the Strategic Growth Committee to include a Maataawaka representative (in addition to the existing Waikato Tainui representative);
- b) approves Maataawaka Maangai Maaori Olly Te Ua be appointed to the Strategic Growth Committee;
- c) notes the estimated funding implications for the proposed additional member, being an extra \$14,400 per annum will be included as part of the 2020/2021 Annual Plan process; and
- d) delegates the General Manager Corporate to execute variations to the individual kawenata with Maangai Maaori Olly Te Ua to give effect to the proposed change.

14. Hamilton Gardens Draft Management Plan

The General Manager Community spoke to the report and outlined process should the staff recommendation be resolved. Staff responded to questions from Elected Members concerning consultation process, feedback from stakeholders, the focus being specific to the Rhododendron Lawn, and the hearing process and panel.

Resolved: (Cr Bunting/Mayor Southgate)

That the Council:

- a) receives the report;
- b) approves further public consultation on the specific matter of the future of the Rhododendron Lawn as part of the draft Hamilton Gardens Management Plan for a period of one month; and
- c) delegates the Mayor, Deputy Mayor, Chair and Deputy Chair of the Community Committee and General Manager Community to finalise the timing, content and means of public consultation to ensure the best possible reach within the community within constraints determined by any Covid-19 Alert Level in place at the time.

Cr Pascoe Dissenting.

Following item 13 (Hamilton Gardens Draft Management Plan) item 16 (Open Recommendations from Committees to the Council) was taken to accommodate availability.

15. Open Recommendations from Committees to the Council

The report was taken as read.

Resolved: (Cr Bunting/Cr Wilson)

Hamilton-Waikato Metro Area Wastewater Project

That the Council:

- a) delegates authority to the Chief Executive to commit up to \$660,000 (based on 50% contribution) to deliver the detailed business case for the Southern Metro Wastewater solution in partnership with neighbouring local authorities;
- b) notes that operating budget availability in FY19/20 will be used to fund the HCC financial contribution and unspent 2019/20 budget will be transferred across into the FY20/21 Annual Plan using the Chief Executive annual plan submission process;
- c) delegates authority to the Chief Executive to determine the timing of the detailed business case for the Northern Metro Wastewater Solution and a funding plan for that work and report back to the Strategic Growth Committee;
- d) approves the governance structure and roles and responsibilities described in the Hamilton-Waikato Metro Wastewater Project Terms of Reference;
- e) approves the current Future Proof representatives as the governance group representatives for HCC (currently the Mayor and Chair of the Strategic Growth Committee); and
- f) delegates authority to the HCC governance group representatives to approve the terms of reference upon establishment of the governance group and including amendments resulting from feedback from other partners.

Hamilton Safety in Public Places Bylaw 2014

That the Council:

- a) approves that a bylaw is the most appropriate way of addressing the perceived problems in relation to controlling nuisance behaviour in Hamilton; and
- b) approves consultation for one month from 1 June to 30 June 2020 on the proposed Hamilton Safety in Public Places Bylaw and Statement of Proposal.

Council Owned Dwellings

That the Council:

- a) approves the removal of houses at **18A Ruakiwi Road** with funding of \$40,000 per dwelling be provided in the 2020/21 Annual Plan;
- b) approves the removal of the house at **140A Cobham Drive** with funding to be provided through the proposed 10 Year Plan; and
- c) requests staff to carry out investigations on opportunities for future use of **88 Crosby Road** and report back to the Community Committee with recommendation(s), with funding of \$10,000 to be provided through the 2020/21 Annual Plan to enable the investigations.

16. 2019/20 Heritage Fund Extension of payments into 2020/21

The Principal Planner spoke to the report noting the exception to the Historic Heritage Fund Guidelines was in direct response of Covid-19. Staff responded to questions from Elected Members concerning if there were any other heritage related consequences from Covid-19.

Resolved: (Cr O'Leary/Deputy Mayor Taylor)

That the Council:

- a) receives the report; and
- b) approves payment of the 2019/20 Heritage Fund allocations after 30 June 2020, as an exception to the Historic Heritage Fund Guidelines.

17. Resolution to Exclude the Public

Resolved: (Mayor Southgate/Cr Bunting)

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 Meeting Public Excluded Minutes - 30 April 2020) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of the Elected Member Closed Briefing Notes - 6 May 2020.)	
C3. Confirmation of the Elected Member Closed Briefing Notes - 13 May 2020.		

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- C4. Wairere to Cobham Drive
Extension Project
- C5. Waikato River Works -
Contract Award

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 prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C5.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information	Section 7 (2) (b) (ii)

The meeting went into a public excluded session at 4.03pm

During the public excluded session of this meeting the following was resolved:

C3. Confirmation of the Elected Member Closed Briefing Notes - 13 May 2020

Resolved: (Cr Hamilton/Cr Wilson)

That the Council:

- a) confirms the Closed Notes of the Elected Member Briefing held on 13 May 2020 as a true and correct record; and*
- b) notes that the information be released to the public at the appropriate time, to be determined by the Chief Executive.*

The meeting was declared closed at 5.04pm

Minute Note 26/06/2021:

On 25/06/2021 the following resolutions were determined to be released to the public via these minutes and the quarterly update.

Waikato River Works - Contract Award

That the Council:

- a) receives the report;*
- b) approves the Contract 0158 Waikato River Works, with an Approved Contract Sum of \$4,160,000, comprising of \$3,455,670 for the Tender Sum, and \$704,330 allowance for contingency;*

- c) delegates approval to the capital Projects Manager and Ruakura, Rototuna, Rotokauri Programme Manager to approve contract payments up to the Approved Contract Sum; 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.*

Appendix 1

Elected Member Briefing Notes – 13 May 2020 – Closed

Time and date:	10.03am, 13 May 2020
Venue:	Via Audio Visual Link
In Attendance:	Mayor Southgate, Crs Bunting, Gallagher, Hamilton, Macpherson, Naidoo-Rauf, van Oosten, Wilson, Pascoe, O’Leary, Thomson.
Apology for Full Session:	Deputy Mayor Taylor, Cr Forsyth, Maangai Hill, Thompson-Evans, Whetu, Te Ua.
Apologies for lateness/early departure:	Cr Gallagher

Discussion

The briefing session covered the following topics in a closed session.

- Financial Strategy

There were a number of key points arising from the discussion:

1. **Financial Strategy** *(Presentation was provided)*

The General Manager Corporate and the Financial Controller explained that the purpose of the presentation was to provide an overview of the current financial strategy, the 12 guiding financial principals and the process of review.

Members asked questions in relation to the following:

- Current credit agency;
- New LGFA guidelines concerning debt to revenue ratios;
- Risks and investment relating to the climate action plan; and
- Endowment funds.