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## **Council *Kaunihera* OPEN MINUTES**

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**Minutes of a meeting of the Council held in the Council Chamber and via Audio Visual Link Municipal Building, Garden Place, Hamilton on Thursday 4 May 2023 at 9.34am.**

### **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 Geoff Taylor
- Cr Sarah Thomson
- Cr Emma Pike
- Cr Melaina Huaki
- Cr Anna Casey-Cox
- Cr Kesh Naidoo-Rauf

**In Attendance:**

- Lance Vervoort – Chief Executive
- David Bryant – General Manager People and Organisational Performance
- Blair Bowcott – General Manager Growth
- Eeva-Liisa Wright – General Manager Infrastructure Operations
- Julie Clausen – Acting General Manager Strategy and Communications
- Andrew Parsons – Executive Director
- Stephen Halliwell – Water Reform Financial Advisor
- Muna Wharawhara – Amorangi Maaori
- Carmen Fookes – Policy and Bylaw Advisor

**Governance Staff:**

- Amy Viggers – Governance Lead
- Arnold Andrews and Nicholas Hawtin – Governance Advisors

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*The meeting was opened with a Karakia from Tame Pokaia*

**1. Apologies – *Tono aroha***

**Resolved:** (Mayor Southgate/Cr van Oosten)

That the apologies for lateness from Cr Wilson and for early departure from Cr Donovan are accepted.

**2. Confirmation of Agenda – *Whakatau raarangi take***

**Resolved** (Cr Hamilton/Cr Bydder)

That the agenda is confirmed noting that the speaking time for Item 9 (Maangai Maaori - Review - 2022-25 Triennium) be increased to 3 minutes.

**The Motion was put.**

**Those for the Motion:**

Cr Taylor, Cr Nadioo-Rauf, Cr Tauriki, Cr Bydder, Cr Donovan, and Cr Hamilton.

**Those against the Motion:**

Mayor Southgate, Deputy Mayor, Cr Hutt, Cr van Oosten, Cr Hauki, Cr Casey-Cox, Cr Pike, and Cr Thomson.

**The motion was declared LOST.**

**3. Declarations of Interest – *Tauaakii whaipaaanga***

No members of the Council declared a Conflict of Interest.

**4. Public Forum – *Aatea koorero***

**Rawiri Bidois** (THaWK) spoke to Item 9 (Maangai Maaori - Review - 2022-25 Triennium). to the vision of Maaori involvement in decision making process and noted his support for the creation of a framework that serves both groups effectively.

**Hagen Tautari A** (Co-chair of *Te Rūnanga o Kirikiriroa*) spoke to Item 9 (Maangai Maaori - Review - 2022-25 Triennium) on the nature of *Te Rūnanga o Kirikiriroa*, its involvement within the community, the Council's vision of Maangai Maaori and their support of the staff recommendations.

**Donald Turner and Vanessa Clark** (*Waikato Tainui*) spoke to Item 9 (Maangai Maaori - Review - 2022-25 Triennium) and acknowledged the journey and courage of those involved in the model to date.

**Kelli Pike** provided a written submission concerning Item 9 (Maangai Maaori - Review - 2022-25 Triennium) which was circulated to the members prior to the start of the meeting and as **Appendix 1** of these minutes, .

*Cr Wilson joined the meeting (9:43am) during the discussion of the above item.*

**5. Confirmation of the Council Open Minutes - 9 March 2023**

**Resolved:** (Mayor Southgate/Cr Wilson)

That the Council confirm the Open Minutes of the Council Meeting held on 9 March 2023 as a true and correct record.

**6. Confirmation of the Elected Member Open Briefing Notes - 22 March 2023**

**Resolved:** (Cr Wilson/Cr Bydder)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 22 March 2023 as a true and correct record.

**7. Confirmation of the Elected Member Open Briefing Notes - 5 April 2023**

**Resolved:** (Cr Wilson/Cr Bydder)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 5 April 2023 as a true and correct record.

**8. Chair's Report 4 May 2023**

The Mayor spoke to her report, acknowledging Cr Wilson standing down as Chair from the Dog Hearing Panel and thanked him for his service. She welcomed Cr Donovan as the new Chair of the Panel. Along with staff the Mayor responded to questions from Elected Members concerning conference by resolution.

**Motion:** (Mayor Southgate/Deputy Mayor O'Leary)

That the Council:

- a) receives the report;
- b) thanks Cr Ewan Wilson for his work as Chair of the Dog Hearing Panel;
- c) appoints Cr Mark Donovan as Chair of the Dog Hearing Panel; and
- d) approves the expenditure of \$10,000 from the Conference by Resolution budget to fund the 2023 LGNZ Conference registration fees of the Mayor and Deputy O'Leary and the remainder split equally between any first term Councillor (including Cr Donovan).

**Amendment:** (Cr Wilson/Cr Taylor)

That the Council:

- a) receives the report;
- b) thanks Cr Ewan Wilson for his work as Chair of the Dog Hearing Panel;
- c) appoints Cr Mark Donovan as Chair of the Dog Hearing Panel; and
- d) approves the expenditure from the Conference by Resolution budget to fund the 2023 LGNZ Conference registration fees of any first term Councillor (including Cr Donovan) and the Mayor.

**The Amendment was put.**

**Those for the Amendment:**

Cr Wilson, Cr Taylor, Cr Bydder and Cr Donovan.

**Those against the Amendment:**

Mayor Southgate, Deputy Mayor O'Leary, Cr Thomson, Cr Naidoo-Rauf, Cr Pike, Cr Tauariki, Cr Casey Cox, Cr Huaki, Cr Hamilton, Cr van Oosten, and Cr Hutt.

**The Amendment was declared LOST.**

**The Motion was then put and declared CARRIED.**

**Resolved:** (Mayor Southgate/Deputy Mayor O'Leary)

That the Council:

- a) receives the report;
- b) thanks Cr Ewan Wilson for his work as Chair of the Dog Hearing Panel;
- c) appoints Cr Mark Donovan as Chair of the Dog Hearing Panel; and
- d) approves the expenditure of \$10,000 from the Conference by Resolution budget to fund the 2023 LGNZ Conference registration fees of the Mayor and Deputy O'Leary and the remainder split equally between any first term Councillor (including Cr Donovan).

**Cr Wilson, Cr Taylor and Cr Donovan Dissenting.**

**The meeting was adjourned from 10:30am to 10:41am**

## **9. Maangai Maaori - Review - 2022-25 Triennium**

The Amorangi Maaori and Governance and Assurance Manager introduced the report. Staff responded to questions from Elected Members concerning budgets, consultation, Maangai Maaori participation in decision making, aspirations, Council's legal obligations, purpose of the Co-Governance forum, partnership funding and attendance.

**Motion:** (Mayor Southgate/Deputy Mayor O'Leary)

That the Council:

- a) receives the report;
- b) approves the continuation of three Maangai Maaori roles for the 2022-25 triennium with the Committees with associated voting rights and areas of focus to include the activities of attending briefings and workshops, and meetings with principal advisors to the committee and on matters to be considered by the Council with this reflected in the Kawenata (noting the remuneration resourcing will be within current budget);
- c) notes that, staff will ask representatives from Waikato Tainui, Te Runanga o Kirikiriroa (TROC) and hapuu to commence the nomination process for the selection of Maangai Maaori; and
- d) notes staff will bring a report to Council at a future meeting confirm the appointment of Maangai Maaori once the selection process has been completed.

**Amendment:** (Cr Hamilton/Cr Bydder)

That the Council:

- a) receives the report;
- b) approves the continuation of two Maangai Maaori for the 2022-25 triennium only and is to exclude voting rights;
- c) notes the Maangai Maaori roles will be updated to include the activities of attending briefings and workshops (in relation to topics of the committee), and meetings with principal advisors to the committee;
- d) notes the Kawenata (overarching agreement) will be updated to reflect the reviewed Maangai Maaori roles in conjunction with representatives from the Council, Waikato Tainui, Te Runanga o Kirikiriroa (TROC) and hapuu (the Principal Kawenata);
- e) notes that, staff will ask representatives from Waikato Tainui, Te Runanga o Kirikiriroa (TROC) and hapuu to commence the nomination process for the selection of Maangai Maaori; and

- f) notes staff will bring a report to Council at a future meeting confirm the appointment of Maangai Maaori once the selection process has been completed.

**The Amendment was Put.**

**Those for the Amendment:** Cr Hamilton, Cr Taylor, Cr Donovan, Cr Bydder, Cr Naidoo-Rauf, Cr Wilson.

**Those against the Amendment:** Mayor Southgate, Deputy Mayor O’Leary, Cr Thomson, Cr Pike, Cr Tauariki, Cr Casey Cox, Cr Huaki, Cr van Oosten, and Cr Hutt.

**The Amendment was declared LOST.**

**Further Amendment:** (Cr Tauariki/Cr Casey-Cox)

That the Council:

- a) receives the report;
- b) continues the Maangai Maaori for the 2022-25 triennium based on Option 1 – three Maangai Maaori roles appointed to the following committees of Council:
  - i. the Infrastructure and Transport Committee
  - ii. the Strategic Growth and District Plan Committee; and
  - iii. the Community and Natural Environment Committee;
- c) notes the Maangai Maaori roles will be updated to include the activities of attending briefings and workshops (in relation to topics of the committee), and meetings with principal advisors to the committee;
- d) notes the Kawenata (overarching agreement) will be updated to reflect the reviewed Maangai Maaori roles in conjunction with representatives from the Council, Waikato Tainui, Te Runanga o Kirikiriroa (TROK) and hapuu (the Principal Kawenata);
- e) notes that, staff will ask representatives from Waikato Tainui, Te Runanga o Kirikiriroa (TROK) and hapuu to commence the nomination process for the selection of Maangai Maaori; and
- f) notes staff will bring a report to Council at a future meeting confirm the appointment of Maangai Maaori once the selection process has been completed.

**The Further Amendment was then Put.**

**Those for the Further Amendment:** Mayor Southgate, Deputy Mayor O’Leary, Cr Thomson, Cr Pike, Cr Tauariki, Cr Casey Cox, Cr Huaki, Cr van Oosten, and Cr Hutt.

**Those against the Further Amendment:** Cr Hamilton, Cr Taylor, Cr Donovan, Cr Bydder, Cr Naidoo-Rauf, Cr Wilson.

**The Further Amendment was declared CARRIED.**

**The Further Amendment as the Substantive Motion was then put and declared CARRIED.**

**Resolved:** (Cr Tauariki/Cr Casey-Cox)

That the Council:

- a) receives the report;
- b) continues the Maangai Maaori for the 2022-25 triennium based on Option 1 – three Maangai Maaori roles appointed to the following committees of Council:
  - i. the Infrastructure and Transport Committee
  - ii. the Strategic Growth and District Plan Committee; and

- iii. the Community and Natural Environment Committee;
- c) notes the Maangai Maaori roles will be updated to include the activities of attending briefings and workshops (in relation to topics of the committee), and meetings with principal advisors to the committee;
- d) notes the Kawenata (overarching agreement) will be updated to reflect the reviewed Maangai Maaori roles in conjunction with representatives from the Council, Waikato Tainui, Te Runanga o Kirikiriroa (TOK) and hapuu (the Principal Kawenata);
- e) notes that, staff will ask representatives from Waikato Tainui, Te Runanga o Kirikiriroa (TOK) and hapuu to commence the nomination process for the selection of Maangai Maaori; and
- f) notes staff will bring a report to Council at a future meeting confirm the appointment of Maangai Maaori once the selection process has been completed.

**Those for the Further Amendment as the Substantive Motion:**

Mayor Southgate, Deputy Mayor O'Leary, Cr Thomson, Cr Pike, Cr Tauariki, Cr Casey Cox, Cr Huaki, Cr van Oosten, and Cr Hutt.

**Those against the further Amendment as the Substantive Motion:**

Cr Hamilton, Cr Taylor, Cr Donovan, Cr Bydder, Cr Naidoo-Rauf, Cr Wilson.

**The meeting was adjourned 11:46am to 12:34pm during the discussion of the above Item**

*Cr Tauariki left the meeting (1.30pm) at the conclusion of the above item. He was present when the matter was voted on.*

## **10. Dangerous and Insanitary Building Policy Review**

Governance and Assurance Manager and Building Control Manager introduced the report and highlighted that the key purpose of the review was for public safety noting that there were minimal incidents in the last 12 months.

**Resolved:** (Cr Thomson/Cr Pike)

That the Council:

- a) receives the report;
- b) approves Hamilton City Council's Dangerous and Insanitary Building Policy and Statement of Proposal for public consultation from 15 May 2023 to 12 June 2023.

*Cr Tauariki re-joined the meeting (1.36pm) at the conclusion of the above Item. He was not present when the matter was voted on.*

## **11. Waikato Triennial Agreement 2022-2025**

The Governance & Assurance Manager took the report as read.

**Resolved:** (Cr Wilson/Cr Bydder)

That the Council:

- a) receives the report;
- b) adopts the Draft 2022-2025 Waikato Triennial Agreement (Attachment 1 of this report) as endorsed by the Mayoral Forum on 27 March 2023; and

- c) delegates Mayor Southgate to sign the agreement on behalf of Hamilton City Council.

*Item 13 (Updates to Fees and Charges (including GST) Proposed for Year 3 (2023/24) of the 2021-31 10-Year Plan) Item 14 (Report from the Strategic Risk and Assurance Committee - Risk Management) and Item 15 (Report from the Strategic Risk and Assurance Committee - Safety and Wellness) were taken after Item 11 (Waikato Triennial Agreement 2022-2025) to accommodate availability of presenters.*

**12. Updates to Fees and Charges (including GST) Proposed for Year 3 (2023/24) of the 2021-31 10-Year Plan**

The General Manager of Growth took the report as read.

**Resolved:** (Cr Wilson/ Cr Taylor)

That the Council:

- a) receives the report; and
- b) approves the proposed Fees and Charges for the third year of the 2021-31 10-Year Plan (Attachment 1 of the staff report).

**13. Report from the Strategic Risk and Assurance Committee - Risk Management**

The Governance & Assurance Manager took the report as read.

**Resolved:** (Mayor Southgate/ Cr Casey-Cox)

That the Council receives the report.

**14. Report from the Strategic Risk and Assurance Committee - Safety and Wellness**

The General Manager People and Organisational Performance took the report as read.

**Resolved:** (Mayor Southgate/ Cr Wilson)

That the Council receives the report.

**15. Three Waters Reform - Regional Representative Group - Consideration of Advocacy Opportunity**

The Executive Director of Strategic Infrastructure and the Water Reform Financial Advisor outlined the report, and highlighted the staff recommendation. Staff responded to questions from Elected Members concerning the staff recommendation, funding, the position of Council in regards to Three Waters, its advocacy and strategic input.

**Resolved** (Mayor Southgate/Deputy Mayor O'Leary)

That the Council:

- a) receives the report;
- b) approves a proposal to add the independent chair of Future Proof to the Regional Representative Group of the Waikato Waters entity;
- c) opposes the withdrawal of tranche 2 of the Better Off Funding and strongly suggests that Central Government honours all components of the reform support package including

transitional and appropriate worse off funding due to the effect this will have on the wellbeing of communities; and

- d) approves Mayor Paula Southgate, Deputy Mayor O’Leary, Cr van Oosten and Cr Tauariki to present these proposals directly to the Minister of Local Government based on the feedback provided during the meeting.

**Cr Wilson, Cr Bydder, Cr Taylor, and Cr Naidoo-Rauf Dissenting.**

**Meeting adjourned from 2:27pm to 2:38pm**

*Cr Huaki and Cr Donovan retired from the meeting during the above adjournment.*

## **16. 2023 LGNZ Remits for Consideration**

The Policy and Bylaw Advisor took the report as read.

**Resolved** (Cr Wilson. Cr van Oosten)

That the Council:

- a) receives the report; and
- b) notes that the Council has indicated to **endorse** the following remits from Elected Members:
  - i. Online quorum requirements;
  - ii. Elected member Remuneration (specifically Kiwisaver);
  - iii. Wellbeings; and
- c) notes that the entirety of the Local Government New Zealand remits for consideration will be brought to a future meeting of Council for decisions to support or not support the remits.

## **17. Recommendations from Open Committee Meetings**

### **Strategic Issues**

**Resolved:** (Cr Hamilton/Cr Thomson)

That the Council:

- a) approves the amended Future Proof Implementation Committee Agreement and Terms of Reference; and
- b) delegates to the Chief Executive to sign the updated Agreement, which will give effect to the updated Terms of Reference; and
- c) approves Deputy Mayor Angela O’Leary and Cr Maxine van Oosten to be Hamilton City Council’s representatives on the Future Proof Public Transport Subcommittee, with Cr Sarah Thomson as alternate.

### **Financial Performance & Strategy Report to 31 March 2023**

**Resolved:** (Cr van Oosten/Cr Tauariki)

That the Finance and Monitoring Committee receives the report.

That the Finance and Monitoring Committee recommends that the Council:

- a) approves the capital movement as identified in paragraph 28 of the 31 March 2023 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 53 to 55 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 57 to 59 of the staff report.

## 18. Resolution to Exclude the Public

**Resolved** (Cr Wilson/ Cr Hamilton)

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 - 9 March 2023	) Good reason to withhold ) information exists under ) Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Elected Member Briefing Closed Notes - 22 March 2023	) Official Information and ) Meetings Act 1987 )	

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 enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (i) Section 7 (2) (j)

**The meeting went into public excluded session at 2.44pm**

**The meeting was declared closed at 2.45pm**

## Appendix 1

Kelli Pike

Kia ora koutou,

As much as I prefer presenting in person, I'm unable to be with you today. Please accept this, in lieu of being in public forum.

I am writing in support of Option 1 for the Maangai maaori review.

I believe the maangai maaori model has proven hugely beneficial to staff, other elected members and overall decision making of this council.

To quote Mayor Paula directly

“The Maangai Maaori representatives are highly skilled people in their own right with significant credentials and mana. They are important advocates for tangata whenua and their involvement on Council allows us make more durable decisions for the city.”

They provide access to maturanga knowledge, tikanga and skills that were missing from this chamber for far too long. Please dont go back now.

Maangai maaori bring forward the views of key maaori partners, which - complements - the maaori ward councillors; and together would enable our city to reach more of the aspirations that we have; and tackle the huge amount of work this council needs to do to give effect to Te Tiriti and bring He Pou Manawa Ora from paper to practice.

Allow us to have the expertise around the table to better navigate the inevitable changes that will happen constitutionally in our time in this country.

Ehara taku toa i te toa takitahi engari he toa takitini. It is not my strength alone, but the strength of many that contribute to my success.

Kelli Pike