
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 12 December 2017 at 9.38am.

PRESENT

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Vacancy

Staff in Attendance:	Richard Briggs – Chief Executive
	Blair Bowcott – Executive Director Special Projects
	Chris Allen – General Manager City Growth
	Sean Murray – General Manager Venues, Tourism and Major Events
	Sean Hickey – General Manager Communications and Strategy
	Kelvyn Eglinton – General Manager City Growth
	David Bryant – General Manager Corporate
	Lance Vervoort – General Manager Community
	Helen Paki – Business and Planning Manager
	Andy Mannering – Manager Social Development
	Debbie Lascelles – Community Services Manager
	Chelsey Stewart – Project Manager, Strategy
	Nigel Ward – Communications Team Leader
	Julie Clausen – Programme Manager, Strategy
	Jen Baird – Communications Manager
	Stephen Halliwell – Accounting Manager

External Presenters:	Peter Winder (Consultant)
----------------------	---------------------------

Governance Staff:	Lee-Ann Jordan – Governance Manager
	Becca Brooke – Governance Team Leader
	Rebecca Watson – Committee Advisor

Tame Pokaia (Council Komatua) carried out a blessing and bible reading to open the meeting.

1. Apologies

Resolved: (Crs Macpherson/Casson)

That the apology from Cr Mallett for lateness is accepted.

2. Confirmation of Agenda

Resolved: (Crs Macpherson/Casson)

That the agenda is confirmed, noting:

- Following the closure of this Council meeting, the Council would reconvene the 11 December 2017 Council Meeting (carried over from the 6 December 2017 Council Meeting with the 10-Year Plan item).
- Item 6, (*Outcome of Consultation and Recommendation for Future Use – Founders Theatre*) in relation to attachment 3 of the report, additional information was circulated to Elected Members and would be available to the public online after the meeting.
- Item C2 (*Management Lease of Te Rapa Sportsdrome*) would be taken ahead of item C1 (Business Case for Full Service Contract out of Aquatic Services).

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Jane Wood (*Pukete Neighbourhood House Representative*) - **Speaking to Public Excluded Item C2 (Management Lease of Te Rapa Sportsdrome)**. Ms Wood expressed her disappointment in the process that had been followed by Council in investigating outsourcing the management of the Lease of Te Rapa Sportsdrome. She was against the Sportsdrome management being outsourced.

5. Waters Study (Water, Wastewater and Stormwater - Sub-regional Collaboration) - Deliberations and Decision post hearings to form a Shared Waters Management Company

The Executive Director Special Projects introduced Peter Winder (Consultant) and outlined the process that had been undertaken in the lead up to the deliberations and decision regarding Shared Waters Management Company.

Peter Winder outlined the outcome of the submissions received and provided a summary of the issues raised as a result of consultation with the public.

In response to questions from Elected Members, staff covered the following:

- process followed to date, and future process to be undertaken;
- potential savings to be made by Council;
- pro's and con's of the proposed model;
- support from the Government; and
- buy in from other councils.

Elected Members raised concerns around the level and coverage of the public engagement process and noted that more consultation may need to be carried out in the future to satisfy this part of the process.

Resolved: (Crs Macpherson/Mallett)

That Hamilton City Council:

- a) approves to proceed to establish a Shared Waters Management Company;
- b) delegates to the members of its Waters Governance Group responsibility to develop and agree with Waipa District Council representatives, by 30 June 2018, the final detail of the establishment of the Shared Waters Management Company for approval by the Councils, including:
 - i. the adoption of the constitution, statement of intent, letter of expectation, shareholders agreement, and shareholders forum
 - ii. the transition process and establishment plan (including project management, oversight and governance)
 - iii. the costs of transition and establishment
 - iv. the cost sharing framework.
- c) directs the Waters Governance Group to engage as appropriate with the Government and the Local Government Commission.
- d) directs the Waters Governance Group to report to each Growth and Infrastructure Committee on its progress.
- e) allocates a total joint budget of \$450,000 for the period 1 January 2018 to 30 June 2018 to support the development of the final detail of the Shared Waters Management Company (noting that this will be split equally between the two Councils and may be refunded from future company operations).
- f) approves the expenditure of up to \$275,000 in 2017/2018 to progress the Shared Waters Management Company establishment project, noting that this cost is unbudgeted and that this resolution supersedes that of 21 September 2017 allocating \$200,000 for the project.

The motion was put.

Those for the Motion:

Mayor King, Councillors Gallagher,
Mallett, Macpherson, Bunting, Casson,
Henry, Southgate and Taylor.

Those against the Motion:

Councillors Pascoe, Tooman and O'Leary.

The motion was declared carried.

Cr Mallett joined the meeting (9.50am) during the above item. He was present when matter was voted on.

6. Outcome of Consultation and Recommendation for Future Use - Founders Theatre

The General Manager Venues, Tourism and Major Events introduced the item, outlining the public engagement process that had been undertaken. He responded to questions from Elected Members concerning the process followed to date.

Motion: (Mayor King/Cr Mallett)

That the Council:

- a) receives the report and the findings of the public consultation;
- b) notes the findings of public engagement;
- c) approves staff to facilitate a discussion with the creative and community sectors to provide an opportunity for them to put forward a Business Case and Financial Proposal to the Council for the creation of a creative/community hub at Founders Theatre no later than the date by which the Waikato Regional Theatre funding and contract has been approved;
- d) authorises the Chief Executive to dispose of and demolish the remaining Founders Theatre buildings and return the land it occupies to green space at an estimated cost of \$802,100, if no Business Case and Financial Proposal for a creative community hub is approved by the Council by 30 June 2018; and
- e) authorises the Chief Executive to choose the best time for the demolition of Founders Theatre provided this is not before the Waikato Regional Theatre funding and contract has been approved.

Amendment: (Crs O'Leary/Pascoe)

That the Council:

- a) receive the report and the findings of the public consultation;
- b) approves staff to facilitate a discussion with the creative and community sector to provide an opportunity to put forward a Business Case and Financial Proposal to Council for a creative and/or community hub at Founders Theatre by 30 March 2018; and
- c) refrains from demolition of any part of the building until the consultation is complete and the Business Case has been reported back to Council.

The Amendment was put.

Those for the Amendment: Councillors Gallagher, Pascoe, O'Leary, Macpherson, Bunting, Casson, Henry and Southgate.

Those against the Amendment: Mayor King, Councillors Mallett, Tooman and Taylor.

The Amendment was declared carried.

The Amendment as the Substantive Motion was then put and declared carried.

Cr Mallett Dissenting.

Resolved: (Crs O’Leary/Pascoe)

That the Council:

- a) receive the report and the findings of the public consultation;
- b) approves staff to facilitate a discussion with the creative and community sector to provide an opportunity to put forward a Business Case and Financial Proposal to Council for a creative and/or community hub at Founders Theatre by 30 March 2018; and
- c) refrains from demolition of any part of the building until the consultation is complete and the Business Case has been reported back to Council.

The meeting adjourned from 11.21am to 11.40am during the discussion of the above item.

7. Resolution to Exclude the Public

Resolved: (Crs Casson/Pascoe)

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. Business case for full service contact out of Aquatic Services) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Management lease of Te Rapa Sportsdrome) 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 avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information to enable Council to carry out commercial activities without disadvantage to enable Council to carry out negotiations	Section 7 (2) (b) (ii) Section 7 (2) (h) Section 7 (2) (i)
Item C2.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information to enable Council to carry out commercial activities without disadvantage to enable Council to carry out negotiations	Section 7 (2) (b) (ii) Section 7 (2) (h) Section 7 (2) (i)

The meeting went into a Public Excluded session at 12.12pm.

The meeting was declared closed at 3.07pm.

Following the closure of this meeting, Council reconvened the Council meeting of 11 December 2017, which was a continuation from the 6 December 2017 Council Meeting.