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## Council

### OPEN MINUTES

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**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 15 November 2018 at 9.30am.**

#### PRESENT

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

In Attendance:

Lance Vervoort – General Manager Community (Deputy Chief Executive)  
David Bryant – General Manager Corporate  
Eeva-Liisa Wright – General Manager Infrastructure Operations  
Jen Baird – General Manger City Growth  
Paul Mens – Director Business Transformation  
Kelvin Powell – City Safe Unit Manager  
Maria Barrie – Parks and Receptions Manager  
Karen Kwok – Recreation and Community Facilities Senior Advisor  
Tahl Lawrence – Project Engineer  
Ken Cunningham – Strategic Land Manager  
Trevor Harris – Property Officer Acquisitions Disposal  
Alice Morris – City Planning Policy Team Leader  
Paul Bowman – Team Leader Economic Growth and Planning  
Peter Crocker – Animal Control Team Leader  
Riki Manarangi – Corporate Policy Specialist

Governance Staff:

Lee-Ann Jordan – Governance Manager  
Becca Brooke – Governance Team Leader  
Amy Viggers – Committee Advisor

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*Tame Pokaia opened the Council meeting with a blessing.*

#### 1. Apologies

**Resolved:** (Cr Casson/Deputy Mayor Gallagher)  
That the apology for absence from Cr Macpherson is accepted.

**2. Confirmation of Agenda**

**Resolved:** (Mayor King/Cr Bunting)

That the agenda is confirmed noting the following:

- a) that the debate will be 2 minutes with a 1-minute extension if required; and 5 minutes for Items 9 (Chairs Report) and 10 (Hamilton Roller Skating Club).
- b) that attachment 1 (nominated recipients background Information) for Item C9 (Freedom of the City Awards) has been circulated to Elected Members under separate cover during the meeting.

**3. Declarations of Interest**

Deputy Mayor Gallagher noted that he had a family member that was involved with the Hamilton Dog Obedience Club in relation to Item 10 (Hamilton Roller Skating Club) but he did not view that he was conflicted on the matter and would still partake in the vote.

Cr Henry noted she was a resident of Temple View in relation to Item 14 (Proposed Plan Change 3 – Temple View Boundary Alteration) and would not partake in discussion or vote on that matter.

**4. Public Forum**

**Clare Browne and James Carter (Representatives of Hamilton Dog Obedience Club)** – Spoke to Item 10 (Hamilton Roller Skating Club). They were opposed to a trial period for the Hamilton Roller Skating Club and opposed to a change to the original agreement in place. They were willing to reduce the number of hours of exclusive use of the park as outlined in the original agreement to what had been informally agreed between the clubs.

**Richard Small (Representative of Waikato Agility Group) and Bevan Dale (Representative of DogsNZ)** – Spoke to Item 10 (Hamilton Roller Skating Club). They advised that they were opposed to a change to the original agreement of exclusive hours for the dog clubs. Reduction of space was an issue with the growth of the dog agility sport.

**Kathy Moody and Russelle Knapp (Representative of Hamilton Roller Skating Club)** – Spoke to Item 10 (Hamilton Roller Skating Club). They noted they would like to remove the original exclusivity clause from the lease agreement and the clause that allowed parking in the rink during dog events. They also noted that they had concerns regarding the previous hearings process.

*Item 10 (Hamilton Roller Skating Club) was taken next to accommodate members of the public in attendance.*

**10. Hamilton Roller Skating Club**

The Parks and Recreation Manager introduced the report and summarised the previous hearings process that had taken place as outlined in the staff report. Staff responded to questions concerning the staff recommendation, proposed trial, parking arrangements, and animal control's observations.

*The General Manager Community clarified that the HCC staff member referred to during the public forum was not involved with the process at the time as incorrectly suggested by the representatives of the Hamilton Roller Skating Club.*

**Resolved:** (Cr Pascoe/Mayor King)

That the Council receives the report.

**Cr Casson Dissenting.**

**Motion:** (Cr Pascoe/Mayor King)

That the Council:

- a) approves a trial period to suspend lease condition 24.2(i) allowing dog club training and speed skating activities to operate simultaneously at Melville Park, between 15 November 2018 and 1 March 2019; and
- b) notes that a staff recommendation on varying Hamilton Roller Skating Club Incorporated's lease condition 24.2(i) will be presented to the Community, Services and Environment Committee following the trial outlined in b) above.

**The Motion was put.**

**Those for the Motion:**

Mayor King, Crs Pascoe, Mallett, Henry and Hamilton.

**Those against the Motion:**

Deputy Mayor Gallagher, Crs Tooman, O'Leary, Bunting, Casson, Southgate and Taylor.

**The Motion was declared lost.**

**Resolved:** (Cr Pascoe/Mayor King)

That the Council approves the request from the Hamilton Roller Skating Club to remove lease condition 24.2(h) and encourage the clubs to agree on car parking arrangements for events as and when required.

**Those for the Motion:**

Mayor King, Crs Pascoe, Mallett, O'Leary, Bunting, Henry, Southgate and Hamilton.

**Those against the Motion:**

Deputy Mayor Gallagher, Crs Tooman, Casson and Taylor.

**The Motion was declared carried.**

**5. Confirmation of the Council Open Minutes - 11 October 2018**

**Resolved:** (Mayor King/Cr Casson)

That the Council confirm the Open Minutes of the Council Meeting held on 11 October 2018 as a true and correct record.

**6. Confirmation of the Council Open Minutes - 1 November 2018**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council confirm the Open Minutes of the Council Meeting held on 1 November 2018 as a true and correct record.

**7. Confirmation of Elected Member Briefing Notes - Open - 4 October 2018**

**Resolved:** (Mayor King/Cr Casson)

That the Council confirm the Open Notes of the Elected Member Briefing held on 4 October 2018 as a true and correct record.

**8. Confirmation of Elected Member Briefing Notes - Open - 25 October 2018**

**Resolved:** (Cr Bunting/Deputy Mayor Gallagher)

That the Council confirm the Open Notes of the Elected Member Briefing held on 25 October 2018 as a true and correct record.

**9. Chair's Report**

The Chair took the report as read.

The General Manager Infrastructure Operations clarified the resolution of the 23 October 2018 Growth and Infrastructure Committee meeting which requested Waikato Regional Council consider funding a Business Case for the implementation of a Free Youth (<18 Years) concession fare. She then clarified the introduction of a Disability fare concession of 100%.

Staff responded to questions from Elected Members concerning the business case scope and the cost to ratepayers for the free Youth and Disability fare concessions.

**Motion:** (Mayor King/Cr Bunting)

That the Council:

- a) receives the report;
- b) endorses the introduction of a Disability fare concession of 100%; and
- c) approves funding up to a maximum of \$25,000 to support funding the Hamilton City Council local share should the Waikato Regional Council fund the Free Youth (<18 Years) Concession Fare Business Case for bus services in Hamilton City, funded from existing 2018-28 10 Year Plan transport activity budgets.

**Amendment:** (Cr Pascoe/Cr O'Leary)

That the Council:

- a) receives the report;
- b) endorses the introduction of a Disability fare concession of 100%; and
- c) endorses the 23 October 2018 Growth and Infrastructure Committee resolution to *'request the Waikato Regional Council to consider funding a Business Case for the implementation of a Free Youth (<18 Years) concession fare for bus services in Hamilton City'*.

**The Amendment was put.**

**Those for the Amendment:** Crs Pascoe, O'Leary, Casson and Southgate.

**Those against the Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Mallett, Tooman, Bunting, Henry, Taylor and Hamilton.

**The Amendment was declared lost.  
The Motion was then put (taken in parts)**

**Resolved:** (Mayor King/Cr Bunting)

That the Council:

- a) receives the report; and
- b) endorses the introduction of a Disability fare concession of 100%.

**Cr Mallett Dissenting.**

**Resolved** (Mayor King/Cr Bunting)

That the Council approves funding up to a maximum of \$25,000 to support funding the Hamilton City Council local share should the Waikato Regional Council fund the Free Youth (<18 Years) Concession Fare Business Case for bus services in Hamilton City, funded from existing 2018-28 10 Year Plan transport activity budgets.

**Those for the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Tooman, Bunting, Henry, Southgate, Taylor and Hamilton.

**Those against the Motion:** Crs Pascoe, Mallett, O'Leary and Casson.

**The Motion was declared carried.**

**The meeting adjourned 12.06pm – 12.18pm.**

*Crs O'Leary and Hamilton left the meeting during the above adjournment.*

**13. Application for Temporary Extension to Hamilton Alcohol Control Bylaw (HSBC NZ Sevens)**

City Safe Unit Manager introduced the staff report and Detective Inspector Hywel Jones.

**Resolved:** (Mayor King/Cr Tooman)

That the Council, pursuant to clause 8 of the Hamilton Alcohol Control Bylaw 2015 (the Bylaw), approves the creation of the HSBC NZ Sevens Temporary Alcohol Ban Area (the Area), to which clause 5.1 of the Bylaw will apply from 6am on Saturday 26 January 2019 to 10pm on Sunday 27 January 2019 (inclusive), as if the Area were included in Schedule 1 of the Bylaw, and will encompass the areas shaded in blue on the map at Attachment 2.

*Cr O'Leary (12.21pm) and Cr Hamilton (12.22pm) re-joined the meeting at the conclusion of the above item. They were not present when the matter was voted on.*

**11. Utility Service Provider Contracts - Change to Delegations to Positions Policy**

The General Manager Development introduced the report, noting that the attachment to the staff report was incorrect as it did not contain the track changes. The track changed attachment was circulated to Elected Members at the meeting and would be attached to these minutes as appendix 1. He noted that staff were seeking a change to the Delegations to Positions Policy to enable increased efficiency and agility in managing contracts and operational activities where only one provider/supplier existed.

Staff responded to questions from Elected Members concerning the definition of a monopoly supplier, the increased delegation figure of \$3 million, and how the proposed update would increase efficiency.

**Resolved:** (Cr Southgate/Cr Casson)

That the Council:

- a) receives the report; and
- b) approves the changes to the Delegations to positions policy as set out in attachment 1 of the staff report(replaced in appendix one).

## 12. Road Stopping - Foster Road/Boyack Drive Templeview

The Strategic Land Manager and the Property Officer Acquisitions Disposal introduced the staff report, noting that staff had been advised that the adjacent affected neighbour was supportive of the recommended sale. They responded to questions from Elected Members concerning the sale price of the property and consultation process.

**Resolved:** (Cr Pascoe/Cr O'Leary)

That the Council:

- a) approves the road stopping of approximately 75m<sup>2</sup> of road at Templeview as outlined in red on Attachment 1 of the staff report, in accordance with the Public Works Act 1981;
- b) approves the sale of the stopped road area for \$1,000 (inclusive of GST, if any) subject to:
  - i. confirmation that the area to be stopped is contained within a Land Information New Zealand approved survey plan;
  - ii. the road stopping actions being successful;
  - iii. written consent being obtained from the adjacent property owners confirming that they do not wish to purchase the road land;
  - iv. all costs being met by the purchaser; and
- c) delegates authority to the Chief Executive to complete and sign all documentation relating to the road stopping and sale of the land.

*Having earlier declared a conflict of interest in relation to Item 14 (Proposed Plan Change 3 – Temple View Boundary Alteration, Cr Henry left the meeting and did not partake in the discussion or vote of the matter below.*

## 16. Proposed Plan Change 3 - Temple View Boundary Alteration

The General Manager City Growth introduced the report, noting that appropriate process had been followed regarding this proposed plan change. Staff responded to questions from Elected Members concerning the proposed plan change, the cost to Council, and the notification process.

**Resolved:** (Mayor King/Cr Casson)

That the Council:

- a) approves the release of the draft Plan Change 3 – Temple View Boundary Alteration documentation to Waikato Tainui, as Iwi Authority, for their review in accordance with section 32(4A) of the Resource Management Act (Attachment 2 – Plan Change 3 documentation)
- b) requests that Plan Change 3 – Temple View Boundary Alteration documentation be brought back to the 7 February 2019 Council meeting for final review and resolution to notify.

*Cr Henry re-joined the meeting at the conclusion of the above Item.*

## 15. SHA Affordability Criteria update

The General Manager City Growth introduced the report, noting that the recommended changes were based on feedback from the Ministry of Housing and Urban Development (MHUD). The Governance Manager explained the staff recommendation to clarify why the previous resolution of Council needed to be revoked. Staff responded to questions from Elected Members concerning the gazetting notice, Private Development Agreement stages, and updates to the Special Housing Area Policy.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) revokes the following resolution of Council made at its 25 September 2018 meeting in respect of Item 6- SHA Affordability Criteria:

*That the Council resolves to adopt a series of options A through C, with A being the preference, and staff are authorised to implement B or C should the more preferred option or options not meet with the Minister's approval:*

### **Option A**

*To recommend the SHA proposal to the Minister subject to:*

- a) *the following affordability criteria being included in the Order in Council; 'at least 10% of dwellings must be on individual fee simple titled sections and be sold on the open market to first home buyers at or below 90% of the Hamilton average house value;'*
- b) *the PDA with the developer including any necessary provisions which enforce the delivery of this affordability criteria outcome, including a requirement that the purchaser must be a genuine and arms length first home buyer; and*
- c) *the Hamilton SHA policy being updated to reflect the changes outlined above.*

### **Option B**

*To recommend the SHA proposal to the Minister subject to:*

- a) *the following affordability criteria being included in the order in council; 'at least 10% of dwellings must be on individual fee simple titled sections and be sold on the open market at or below 90% of the Hamilton average house value;'*
- b) *the PDA with the developer including any necessary provisions which enforce the delivery of this affordability criteria outcome, including a requirement that the purchaser must be a genuine and arms length first home buyer; and*
- c) *the Hamilton SHA policy being updated to reflect the changes outlined above.*

**Option C**

To recommend the SHA proposal to the Minister subject to:

- a) the following affordability criteria being included in the order in council;  
'at least 10% of dwellings must be on individual fee simple titled sections and sold at or below 90% of the Hamilton average house value.'
- b) the PDA with the developer including any necessary provisions which enforce the delivery of this affordability criteria outcome, including a requirement that the sale be on the open market to first home buyers, and that the purchaser must be a genuine and arms length first home buyer.
- c) the Hamilton SHA policy being updated to reflect the changes outlined above.

- b) notes that the affordability criteria was defined as "At least 10% of dwellings must be sold at or below 90% of the Hamilton average house value (where "average house value" means the average Hamilton City residential house value for the most recently released June figure, published by qv.co.nz.)" by Council resolution on 11 October 2018; and
- c) approves the inclusion of affordability criteria (noted in paragraph 3b) in the Council's separate Private Developer Agreement (PDA) with an SHA applicant.

**16. Proposed 2019 Schedule of Meetings**

The Governance Manager introduced the report. She and Mayor King responded to questions from Elected Members concerning the proposed break in July in addition to the break in January, and Taskforces. Elected Members noted that they were okay for extra briefings to be added to the end of January 2019 and July 2019 if they were required.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report; and
- b) approves the proposed 2019 Schedule of Meetings (attachment 1 of the staff report)

***The meeting adjourned 1.28pm – 2.00pm.***

**17. Recommendation from Community, Services and Environment Committee - Community Occupancy Policy**

The report was taken as read. Staff responded to questions from Elected Members concerning the financial implications of the two options.

**Motion:** (Mayor King/Cr Bunting)

That the Council approves the Community Occupancy Guidelines **Option B** - the proposed Community Occupancy Policy with a two-tiered (Tier 1: 50%, Tier 2: 87.5%) rental subsidy.

**Amendment:** (Crs Hamilton/Southgate)

That the Council approves the Community Occupancy Guidelines **Option A** – the proposed Community Occupancy Policy with an 87.5% rental Subsidy.

**The Amendment was put.**

**Those for the Amendment:** Deputy Mayor Gallagher, Crs Southgate and Hamilton.

**Those against the Amendment:** Mayor King, Crs Pascoe, Mallett, Tooman, O'Leary, Bunting, Casson, Henry and Taylor.

**The Amendment was declared lost.  
The Motion was then put and declared carried.**

**Resolved:** (Mayor King/Cr Bunting)

That the Council approves the Community Occupancy Guidelines **Option B** - the proposed Community Occupancy Policy with a two-tiered (Tier 1: 50%, Tier 2: 87.5%) rental subsidy.

**Crs Hamilton and Southgate Dissenting.**

**18. Recommendation from the Community, Services and Environment Committee - Local Indigenous Biodiversity Pilot Project**

The Chair of the Community, Services and Environment Committee introduced the recommendation from the Committee noting the importance of the pilot project and the development of the associated strategy for Local Indigenous Biodiversity.

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

That the Council:

- a) approves the completion the Local Indigenous Biodiversity Pilot;
- c) requests staff develop a Hamilton City Council Local Indigenous Biodiversity Strategy for consideration by Council by September 2019 based on the Collective Impact Framework; and
- d) notes that the Community Services and Environment Committee will monitor the pilot and strategy through quarterly reports.

**Mayor King and Cr Mallett Dissenting.**

**19. Chief Executive's Report**

The General Manager Community (Deputy Chief Executive) introduced the report and Paul Mens (Director Business Transformation). He responded to questions on Councils progress with regards to identifying savings and whether Council was understaffed as a result of savings targets.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves the deferral of the progress report on Cost Savings for the 2018-28 10-Year Plan in relation to the \$94m savings as forecast in the 10-Year Plan to the February 2019 Finance Committee Meeting.

**20. Resolution to Exclude the Public**

**Resolved:** (Mayor King/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 Public Excluded Minutes - 11 October 2018	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of Elected Member Briefing Notes - Closed - 4 October 2018		
C3. Confirmation of Elected Member Briefing Notes - Closed - 15 October 2018		
C4. Confirmation of Elected Member Briefing Notes - Closed - 25 October 2018		
C5. Confirmation of Elected Member Briefing Notes - Closed - 30 October 2018		
C6. Municipal Endowment Fund - Ward Street		
C7. Online Voting Request for Proposal Update		
C8. City Honours - Civic Awards 2018		
C9. Freedom of the City Awards		

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 prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C6.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C7.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C8.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C9.	to protect the privacy of natural persons	Section 7 (2) (a)

**The meeting went into a Public Excluded session at 2.50pm.**

**The meeting was declared closed at 4.32pm.**

### Financial Delegations

- The limits of the specified sum(s) applicable to various financial transactions delegated to the Chief Executive (and other specified officers, as applicable) under this Policy or otherwise, are as follows<sup>1</sup>:

**Expenditure Type – Refer to Terms of Delegation below**

Unexpended Budget - (Operating and Capital)	Overspends/ Unbudgeted (Operating and Capital)	Capex – B/Fwd	Contracts	Purchase/Sale of Land	Debt Write-off	Legal Proceedings	Financial Operations (Admin disbursements)	Development Contributions
Limited to the approved budget	\$250,000	\$500,000	\$3,000,000  Total contract term not exceeding 5 years including renewals  For contracts not going to tender: \$250,000 (subject to same restriction above on contract term).	\$3,000,000	\$10,000	\$500,000 for weather-tight building claims (leaky buildings)  \$250,000 for all other legal proceedings	Limited to the approved budget	\$1,500,000

**Notes:**

- There is a cumulative cap of \$1,000,000 per financial year for the aggregate total (whole of Council) of all unbudgeted items, overspends and operational expenditure (Opex) brought forward and approved under delegated authority during that financial year. Any significant overspends or underspends will be recorded and reported to the Finance Committee on a quarterly basis.
- The \$250,000 delegated financial limit for contracts not going to tender shall not apply in the following situations:
  - For Private Developer Agreements, which is a contract with a developer to upsize or deliver infrastructure on behalf of the Council in a new subdivision or development that will eventually vest in the Council;
  - For appointment of utility service providers to relocate, connect or alter utility services for the purpose of capital works budgeted within the applicable Long Term Plan, where a provider is the only possible supplier by virtue of being the owner of, or otherwise being legally responsible for, the relevant utility infrastructure. Examples of such utility service providers include, but is not limited to, Transpower, WEL Networks and Kiwirail.  
  
The Chief Executive must ensure that appropriate mechanisms are in place and implemented to ensure, as far as is reasonably possible, the Council obtains Best Value from any appointed utility service provider.

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<sup>1</sup> The delegated financial authority limits specific to General Managers, Executive Directors and officers are set out in the Council's Management Policy - *Financial Delegations to Officers*.

## Appendix 1

The Chief Executive's general delegated authority limit (\$3,000,000 and a term not exceeding 5 years, including renewals) shall apply for contracts under 1(b)(i) and (ii) above.

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### Expenditure Types – Terms of Delegation

#### *Unexpended Budget*

2. Operating and capital expenditure including deferred capital expenditure (approved by Council resolution) that has been budgeted in the applicable Long Term Plan/Annual Plan and not yet spent. All expenditure must comply with the requirements of Council's Procurement Policy.

#### *Overspend and Unbudgeted*

3. Any expenditure on an item that exceeds the amount budgeted for that item in the applicable Long Term Plan/Annual Plan or is not budgeted but required to deliver the level of service and outcomes outlined in the applicable Long Term Plan/Annual Plan e.g. contract or project cost over-run.
4. A Local Civil Defence Controller has an uncapped delegated financial authority in the event of a declared or non-declared emergency, subject to the conditions and reporting provisions in this Policy (See: *Local Civil Defence Controller* [above](#)).

#### *Capex – Capital Expenditure Brought Forward*

5. Capital expenditure occurring in financial periods in advance of the planned expenditure timeframe in the applicable Long Term Plan. This delegation is to the Chief Executive, General Managers and Executive Directors only (limits apply to officers in accordance with the Hamilton City Council Management Policy - *Financial Delegations to Officers*) and cannot be further delegated.

#### *Contracts*

6. The delegated financial authority limit for contracts applies on a 'per contract' basis. For clarity, the delegated financial authority limits apply to contracts involving revenues receivable by Council, including contracts and agreements with promoters and relating to the organising of events.
7. The Approved Contract Sum is the aggregate of all amounts most likely to be paid to the contractor (including retentions made, or to be made in respect of a contract), or amounts received from the other party (as applicable), for that contract, over the life of the contract. Disaggregation of supplies or contractual arrangements in order to comply with this requirement is expressly prohibited.
8. For the purposes of determining whether a specified officer has the necessary delegated financial authority in relation to a contract that involves both; (a) expenditure (payable by Council) and (b) revenue (receivable by Council), the Approved Contract Sum for that contract is the greater of either the expenditure or revenue in that contract. That is, there must be no offset of expenditure and revenues.
9. If a contract has been approved by Council resolution, the Chief Executive, or relevant General Manager or Executive Director (as appropriate), can:
  - a. execute the contract (other than those contracts required to be signed under the Council's seal);
  - b. authorise payments up to the Approved Contract Sum or delegate the authorisation of payments to a nominated position; or
  - c. (if applicable) correct and re-issue invoices, issue credit notes or refunds up to the Approved Contract Sum, in relation to revenue receivable by Council under an approved contract.

## Appendix 1

10. If a contract has been approved under this Policy or by management delegation:
- the payment/s or any correction to invoices (as applicable) must be authorised by an officer with the correct financial delegated authority for that payment or invoice<sup>2</sup>;
  - a brief summary of such contracts are to be reported quarterly to Elected Members.

For clarity, no reporting is required under section 10(b) above for contracts approved by Council or a Committee.

11. Contracts exceeding five years total term (including renewals) must be authorised by Council or the relevant Committee<sup>3</sup>.
12. All contracts approved by the Chief Executive or management under delegated authority in sections 1.b.i) and 1.b.ii) are to be reported to the Growth and Infrastructure Committee for noting on a quarterly basis.

Deleted: Private Developer Agreements

Deleted: 1(b)(i)

Deleted: 1(b)(ii)

### Purchase/Sale of Land

13. Includes any expenditure occurring in respect to the purchase and sale of land where the purchase or sale is provided for in the applicable Long Term Plan/Annual Plan either separately or as an integral part of a project, or authorised by a resolution of Council. For clarity, the purchase and sale of land includes the acquisition or disposal of land under the provisions of the Public Works Act 1981.
14. In exercising this delegation, the Chief Executive is permitted to negotiate sale and purchase of land, where appropriate, at not less than 90% of the estimated market value determined by a registered valuer.

### Debt Write-off

15. The delegated financial authority limit applies on a 'per debtor' basis.
16. Irrespective that the Chief Executive, General Managers, Executive Directors and Financial Controller may have delegated authority to write-off bad debts<sup>4</sup>, all such debts written off must be reported to the next Finance Committee meeting on an aggregate basis for each Group.

### Legal Proceedings

17. The delegated financial authority is determined on a per proceeding basis.
18. Includes commencing or defending, negotiating, settling or withdrawing from legal proceedings (including prosecutions and claims) on the Council's behalf in any New Zealand court or tribunal. The Chief Executive is also delegated the authority to take all steps necessary to enforce any court or tribunal judgment in favour of the Council, and to recover debts owing to the Council, subject to the delegated financial authority limit.
19. All legal claims or other proceedings undertaken by, or on behalf of, the Chief Executive, for an amount in excess of \$100,000 are to be reported to the next meeting of Council or the relevant Committee.

### Financial Operation

20. Subject to any Council or management policies, the Chief Executive, General Manager Corporate and Financial Controller are each delegated the authority to operate (including opening and closing accounts) all of the Council's bank accounts, investment accounts, sinking funds, loan accounts, special funds, tax related matters, and other financial matters including exercising signing authority where appropriate. This includes payment of regular sums for administrative matters such as: power, heat and light; tax and GST payments; rates; etc.

<sup>2</sup> For management delegations, refer to Council's Management Policy - Financial Delegations to Officers.

<sup>3</sup> Refer to the Governance Structure.

<sup>4</sup> Refer to the Management Policy – Financial Delegations to Officers

## Appendix 1

### *Development Contributions*

21. Subject to the development contributions provisions in the Local Government Act 2002 and the provisions of the Council's Development Contributions Policy, the Chief Executive is delegated authority to approve a remission, postponement, or refund of a development contribution levied on a developer to the delegated financial authority limit specified in this Policy. All remissions, postponements or refunds are to be reported, for noting purposes, at the next Growth and Infrastructure Committee meeting.
22. For clarity, Council will not delegate to the Chief Executive any powers in relation to hardship related remissions or remissions not provided for in the Development Contributions Policy.

### *Waiver of Council Fees & Charges*

23. Subject to any specific waiver policies adopted by Council, the Chief Executive, General Managers and Executive Directors are each delegated authority to waive fees and charges for their respective areas of responsibility **provided:**
  - a. the waiver and the amount are recorded and available for audit purposes;
  - b. the circumstances of the specific waiver will not create a precedent;
  - c. the act of waiving such fees and charges reflects 'good citizen' conduct;
  - d. any waivers in excess of \$10,000 (calculated on an aggregate basis per Group) are to be reported to the next Finance Committee meeting.

For clarity, development contributions are not within the scope of the delegated authority detailed in this section 23.