
Extraordinary Council

OPEN MINUTES

Minutes of a meeting of the Extraordinary Council held via audio visual link on Friday 27 March 2020 at 1.00pm.

PRESENT

Chairperson	Mayor P Southgate
Deputy Chairperson	Deputy Mayor G Taylor
Members	Cr M Bunting
	Cr M Forsyth
	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:	Maangai Te Pora Thompson-Evans
	Maangai Olly Te Ua
	Richard Briggs - Chief Executive
	Sean Hickey - General Manager Strategy and Communications
	Jen Baird - General Manager City Growth
	Lance Vervoort - General Manager Community
	Sean Murray – General Manager Venues Tourism and Major Events
	Blair Bowcott – Executive Director Special Projects
	Tracey Musty – Financial Controller
	Mothla Majeed – Legal Services Unit Manager
	Helen Paki – Community Services Manager
	Greg Carstens – Growth, Funding and Analytics Unit Manager
	Matthew Bell – Rates and Revenue Manager
	Natalie Palmer – Unit Manager Communications and Marketing
	Liam Blackwell – Online Specialist
	Lachlan Muldowney – Hamilton City Council Lawyer
	Jeanette Tyrell – Public Relations Advisor to the Mayor
	James Clarke – Advisor to the Mayor
	Michael Bassett-Foss – Te Waka Economic Development Agency
	Michelle Pollen – Te Waka Economic Development Agency

Governance Staff: Becca Brooke – Governance Manager
Amy Viggers – Governance Team Leader
Rebecca Watson – Governance Advisor

1. Apologies

Resolved: (Cr O’Leary/Cr Wilson)

That the apologies for partial absence from Cr Naidoo-Rauf are accepted.

2. Confirmation of Agenda

Resolved: (Cr Wilson/O’Leary)

That the agenda is confirmed noting that that the late item 9 (Contract 14110 PSP Transport Extension) is accepted. The report was late due to timings being affected by Covid-19 response. The report was circulated to Elected Members prior to the meeting and would be attached to these minutes as **appendix 1**.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Holly Snape (representing Community Waikato), and Jo Wrigley (representing Go Eco), Natasha Willison-Reardon, Mareta Matenga and Tia Faiaoga (representing Trustees for The Serve Trust), Neil Tolan (Western Community Centre), Karen Morrison-Hume (representing Anglican Action), Rachel Karalus (representing K’aute Pasifika Trust) and Anna Casey-Cox (representing Poverty Action Waikato) provided a written submission outlined below:

To the Mayor, Councillors and Maangai Māori,

This submission is from a collaboration of social and community services in Kirikiriroa Hamilton. We are writing in full support of your proposed hardship package[1].

The community and social service sector in our city is very well connected and coordinated. We are in constant communication with each other and are working hard to ensure that our most vulnerable groups are well provided for during this time. We support all initiatives in Phase One of the Package with initiatives in Phase two to be further developed and considered by Council at the appropriate time.

We understand that the homeless shelters in our city are at capacity and in lockdown. Unfortunately, there are still a number of people without shelter in our city. We appreciate the work that Council is doing to determine the community facilities that may be able to be used to ensure that our homeless population can have a place to safely ‘stay home’ during the period of the shutdown.

We ask that you implement measures for the sharing of local food in our community. Our city has a number of fruit trees and gardens, both on public land and on private land, and good food is potentially at risk of being wasted. We believe that there is a way that this food could be safely collected and redistributed at this time and we ask for support in enabling this to happen. Council facilities could be used to store and process this food.

Food is currently being rescued from retail operators and redistributed to social services. We are sourcing facilities with commercial grade kitchens, freezers and chillers in order to pre cook and freeze meals for distribution. Core services such as Methodist City Action and YWCA are preparing meals. Te Ruunanga o Kirikiriroa is distributing to their residential services and communities. Contact free protocols are in place.

We request involvement in the phase 2 of Council's response, particularly in regard to job creation, economic stimulus and future financial relief options.

A number of our local social services, who support people more at risk from Covid 19 due to particular health conditions, have been impacted recently by reductions in their funding. Some community funders have moved away from supporting these smaller health outreach organisations. These services often have deep connections into our community and are providing vital outreach to our community at this time. We ask that Council and all community funders recognise their work in their funding decisions going forward.

The community and social service sector is part of the resilience of our city. We have long been aware of the injustices and inequalities of our economic and social system that Covid 19 is laying bare. We ask that you make funding and investment decisions that support all people and our environment. We have the opportunity now to invest into infrastructure that supports a more resilient future for all of us. We do not want to re-establish the status quo that was inadequately providing for so many and that was equally damaging to our environment.

Ngaa mihi ki a koutou.

5. Decision-making during Covid-19: further developments

The Legal Services Manager spoke to the report, outlining the process undertaken to date concerning Council delegations in response to Covid-19. They noted the legislative changes recently made to allow Council meetings to take place via audio/visual link and regarding public attendance at meetings. Staff responded to questions from Elected Members concerning time required to convene a meeting and the purpose of extending the Chief Executives delegations to reduce risk to Council.

Resolved: (Cr O'Leary/Cr Forsyth)

That the Council:

- a) notes the amendments made to the Local Government Act 2002 and Local Government Official Information and Meetings Act 1987 by the Covid-19 Response (Urgent Management Measures) Legislation Act 2020, namely those which make it possible for Council to meet remotely and still satisfy quorum requirements;
- b) notes that upon having this meeting, the Chief Executive's extended delegations granted at the Extraordinary Council Meeting on 25 March 2020 are automatically revoked;
- c) approves that in the event that, if upon 24 hours' notice, a meeting of council cannot be convened due to a lack of quorum, then the Chief Executive's current delegations (detailed in the Council's *Delegations to Positions Policy*) shall be automatically extended to include all of Council's responsibilities, duties, and powers currently retained by Council or delegated to Council's standing committees (except the District Licensing Committee) (**Extended CE Delegations**), subject to the following requirements:
 - i. The Extended CE Delegations will have effect only for the period in which Council cannot convene a meeting due to lack of quorum. When Council next meets, the Extended Delegations will automatically be revoked unless Council resolves otherwise at that meeting;
 - ii. The Extended CE Delegations do not include a delegation of any Council powers, duties and functions which are prohibited by law from delegation - including, without limitation, those set out in clause 32(1) of the Seventh Schedule to the Local Government Act 2002;
 - iii. For clarity, the Extended CE Delegations may be automatically granted in accordance with paragraph 3(c) above more than once; that is, they will be automatically

granted whenever a Council meeting cannot be convened, and this shall continue until and unless Council resolves otherwise;

- d) approves, for the avoidance of doubt, that the Extended CE Delegations may and will be exercised by an acting Chief Executive, appointed from time to time by the Chief Executive, in the event the Chief Executive is unable to act;
- e) notes that the Chief Executive has committed to exercising the Extended CE Delegations in accordance with the following guideline process:
 - i. The Chief Executive will exercise any one or all of the Extended CE Delegations from time to time only after first consulting with the Mayor (or Deputy Mayor) and Chair (or Deputy Chair) of the relevant committee (if any) where reasonably practicable and subject to their availability;
 - ii. The Chief Executive will not exercise the Extended CE Delegations unless he has first made all reasonable endeavors to achieve the consultation measures identified in paragraph 3(e)(i) above;
 - iii. Where, in the reasonable opinion of the Chief Executive, a decision requiring the exercise of the Extended CE Delegations could be deferred without any material consequences, the Chief Executive may elect to not exercise the Extended CE Delegations, and instead defer the decision until the next full Council meeting;
 - iv. The Chief Executive will advise Elected Members, Maangai Maaori and any external appointees to the relevant committee of each decision to exercise of the Extended CE Delegations as soon as reasonably possible once it has been made;
 - v. The Chief Executive shall keep a running record of all occasions where the Extended CE Delegations have been exercised and shall remain accountable to elected members for the proper and prudent exercise of the Extended CE Delegations;
 - vi. The Chief Executive shall provide an overall report of the exercise of the Extended CE Delegations at the next full meeting of Council as described in paragraph 3(c)(i) above;
- f) agrees that before providing their views to the Chief Executive as described in paragraph 3(e)(i) above, the Mayor (or Deputy Mayor) and Chair (or Deputy Chair) of the relevant committee (if any) will carry out the following steps:
 - i. Seek the views of other elected members, Maangai Maaori and any external appointees to the relevant committee (if any) on the proposed decision where reasonably practicable and subject to their availability;
 - ii. Whether the step described at paragraph 3(f)(i) above is reasonably practicable is at the discretion of the Mayor Deputy Mayor) and Chair (or Deputy Chair) of the relevant committee (if any) in consultation with the Chief Executive, depending on the urgency and significance of the decision at hand; and
- g) notes that, in addition to the above arrangements, staff will also provide a further report at the next Extraordinary Council Meeting seeking approval of amendments of the financial limits in the *Delegations to Positions Policy* to allow the Chief Executive to approve contracts of an increased value for the duration of New Zealand's Covid-19 response even at times where Council is able to satisfy quorum requirements.

6. Confirmation of the Extraordinary Council Minutes- 25 March 2020

Resolved: (Mayor Southgate/Cr Wilson)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 25 March 2020 as a true and correct record.

7. Covid-19 Response Package

The General Manager Strategy and Communications took the report as read.

Michael Bassett-Foss and Michelle Pollens (representing Te Waka) spoke to the proposed package of support to local businesses impacted by the Covid-19 pandemic, and the work that Te Waka was undertaking. They responded to questions from Elected Members concerning:

- current levels of support being provided to Te Waka by the Council;
- number of staff proposed to be employed at Te Waka;
- potential for duplication of covid-19 related services and effort;
- ability of business owners to access professional support such as interpreters, legal and financial advice;
- proposed criteria for business support including extension of assistance to non-profit organisations;
- ability of Te Waka to advocate to central government for further business support; and
- reporting of outcomes to the Council.

Staff responded to questions from Elected Members concerning:

- the potential funding process, including the possible impact on long term and community funding availability;
- proposed support to organisations supporting people with rent, as well as support for people living rough;
- possible impact of economic relief support on the Annual Plan and debt to revenue ratio;
- timeframes for review; and
- phase 2 of the response package.

Staff Action: *Staff undertook to broaden the criteria based on Elected Member feedback for those able to access rates relief when forming relevant criteria.*

Initiative 1

Resolved: (Mayor Southgate/Cr Bunting)

That the Council approves **\$200,000 of operating funding for the Emergency Response Initiative** as part of Phase 1 of Council's Covid-19 Response Package

Initiative 2

Motion: (Cr Bunting/Cr O'Leary)

That the Council approves **\$1,000,000 of operating funding for the Social Service Funding Initiative** as part of Phase 1 of Council's Covid-19 Response Package and requests staff to present funding criteria and process details for approval at the next available Council Meeting.

Amendment: (Cr Wilson/Cr Forsyth)

That the Council approves **\$500,000 of operating funding for the Social Service Funding Initiative** as part of Phase 1 of Council's Covid-19 Response Package, with an additional \$500,000 to be kept in reserve and requests staff to present funding criteria and process details for approval at the next available Council Meeting

The Amendment was put.

Those for the Amendment: Deputy Mayor Taylor, Councillors Forsyth, Pascoe, Hamilton and Wilson.

Those against the Amendment: Mayor Southgate, Councillors Bunting, van Oosten, Gallagher, Macpherson, Naidoo-Rauf, Thomson, and O'Leary.

**The Amendment was declared LOST.
The Motion was put and declared CARRIED unanimously.**

Resolved: (Cr Bunting/Cr O'Leary)

That the Council approves **\$1,000,000 of operating funding for the Social Service Funding Initiative** as part of Phase 1 of Council's Covid-19 Response Package and requests staff to present funding criteria and process details for approval at the next available Council Meeting.

The meeting adjourned 3.05pm to 3.11pm.

Cr Naidoo-Rauf and Cr Hamilton left the meeting during the above adjournment.

Initiative 3

Resolved: (Mayor Southgate/ Cr O'Leary)

That the Council approves the **early payment of suppliers** in April 2020.

Initiative 4

Resolved: (Mayor Southgate/ Cr Forsyth)

That the Council approves **\$460,000 of operating funding for the Consent Relief and Refunds Initiative** as part of Phase 1 of Council's Covid-19 Response Package.

Initiative 5

Resolved: (Cr O'Leary/Cr Wilson)

That the Council approves **\$525,000 of operating funding for the Rent Relief Initiative** as part of Phase 1 of Council's Covid-19 Response Package.

Initiative 6

Resolved: (Cr Wilson/Cr Thomson)

That the Council **approves \$280,000 of operating funding for the Rates Relief Initiative** as part of Phase 1 of Council's Covid-19 Response Package in accordance with s80 of the Local Government Act 2002 (LGA) and requests staff to consider and present criteria and any possible policy changes for approval at the next available Council Meeting.

Cr Hamilton and Cr Naidoo re-joined meeting (3.23pm) during the debate of the above item. They were present when the matter was voted on.

Initiative 7

Resolved: (Cr Forsyth/Cr Wilson)

That the Council approves **\$800,000 of payment deferrals for the Development Contributions Relief Initiative** as part of Phase 1 of Council's Covid-19 Response Package in accordance with s80 of the LGA and requests staff to consider and present any possible policy or operating procedure changes required for approval at the next available Council Meeting.

Initiative 8

Resolved: (Mayor Southgate/Cr Wilson)

That the Council approves **\$165,000 of operating funding for the Business Response Centre Initiative** as part of Phase 1 of Council's Covid-19 Response Package.

9. LATE REPORT - Contract 14110 PSP Transport Extension

The General Manager Development spoke to the report and responded to questions from Elected Members concerning contract timeframes.

Resolved: (Cr O'Leary/Cr Wilson)

That the Council:

- a) receives the report; and
- b) approves the recommended extension of Hamilton City Council's Professional Services Panel Transport (Contract 14110) to 30 June 2021.

8. Resolution to Exclude the Public

Resolved: (Mayor Southgate/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. Rates Penalty Relief - Covid-19 Response	<ul style="list-style-type: none">) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987 	Section 48(1)(a)

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.	<p>to protect information which is subject to an obligation of confidence where disclosure would likely damage the public interest</p> <p>to avoid prejudice to measures preventing or mitigating loss to the public</p> <p>to prevent the disclosure or use of official information for improper gain or improper advantage</p>	<p>Section 7 (2) (c) (ii)</p> <p>Section 7 (2) (e)</p> <p>Section 7 (2) (j)</p>
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The meeting went into Public Excluded session at 3.47pm.

The meeting was declared closed at 4.06pm.