

Agenda for an extraordinary meeting of the Waikato District Council to be via Audio-Visual Conference on **TUESDAY, 9 JUNE 2020** commencing at **9.30am**.

The open meeting will be livestreamed on the [Council's YouTube webpage](#).

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute Council's decision or policy until considered.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

4. REPORTS

4.1 LGNZ Remit – Remote meetings for local authorities

4

5. EXCLUSION OF THE PUBLIC

10

GJ Ion
CHIEF EXECUTIVE

Chairperson:	His Worship the Mayor
Deputy Chairperson:	Deputy Mayor
Membership:	The Mayor and all Councillors
Meeting frequency:	Six weekly – or as required
Quorum:	Half of the members (including vacancies)

Purpose

1. To provide leadership to, and advocacy on behalf of, the people of the Waikato District.
2. To define and represent the total communities' interests, ensuring ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment, and the prudent management of the communities' financial resources.

Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:

1. The power to make a rate.
 2. The power to make a bylaw.
 3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan.
 4. The power to adopt a Long-Term Plan, Annual Plan, or Annual Report.
 5. The power to appoint a Chief Executive.
 6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purpose of the local governance statement, including the Council's Infrastructure Strategy.
 7. The power to adopt a remuneration and employment policy.
 8. The power to approve or amend the Council's Standing Orders.
 9. The power to approve or amend the Code of Conduct for elected members, and consider any recommendations made in relation to a complaint lodged under the Code.
 10. The power to appoint and discharge:
 - a. members (including chairpersons) of Council committees and subordinate decision-making bodies, subject to the Mayor's powers under section 41A Local Government Act 2002; and
 - b. elected member representatives on external organisations.
 11. The power to establish a joint committee with another local authority or other public body, and appoint elected members as representatives on such committees or bodies.
 12. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the Ombudsman's recommendation.
 13. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
-

3

14. The power to amend or replace the delegations in Council's Delegations Register (except where expressly permitted in the Delegations Register).

To exercise the following powers and responsibilities of Council, which the Council chooses to retain:

1. To approve a proposed policy statement or plan under the Resource Management Act 1991.
2. To approve changes to boundaries of the District under the Resource Management Act 1991 or any other legislation.
3. In respect of District Plan decisions:
 - a. To appoint independent commissioners to a panel for hearings of a Proposed District Plan;
 - b. To approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change); and
 - c. To approve a proposed plan or a change to a district plan under Clause 17, Schedule 1 of the Resource Management Act 1991.
4. To adopt governance level strategies, plans and policies which advance Council's vision and strategic goals (e.g. Hamilton to Auckland rail), other than where expressly delegated to a committee.
5. To approve Council's recommendation to the Remuneration Authority for the remuneration of elected members.
6. To approve the Triennial Agreement.
7. To approve resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
8. To approve any changes to the nature and delegations of any Council committees or subordinate-decision making bodies.
9. To approve the Local Governance Statement.
10. To approve any funding decisions required for the Watercare Services contract.

To receive six-monthly reports from each Community Board on its activities and projects.

Open Meeting

To	Waikato District Council
From	Gavin Ion Chief Executive
Date	9 June 2020
Prepared by	Brendan Stringer Democracy Manager
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	LGNZ Remit – Remote meetings for local authorities.

I. EXECUTIVE SUMMARY

The purpose of this report is to seek the Council's approval of the attached draft LGNZ remit. The remit requests that LGNZ work with central government to permanently amend legislation to enable members of a council or council committee to attend a public meeting remotely **and** be included in the quorum.

Staff were requested to draft this remit at the Council meeting on [19 May 2020](#), at which the process and LGNZ policy for remits was discussed. Since that meeting, LGNZ have advised that its AGM is now being brought forward to Friday, 21 August 2020 and that all remits need to be submitted by Tuesday, 16 June 2020 (previously, 31 July 2020). Council is required to approve the remit prior to seeking the support from five other councils, and then submitting the final remit to LGNZ.

The remit is intended to solidify the benefits that local authorities have experienced with remote meetings being held during the Covid-19 crisis, and to ensure that the flexibility such meetings provides is available as an option for all councils beyond the current Covid-19 pandemic. The temporary legislative framework which enables members attending meetings remotely to be included in the quorum is due to expire on 25 June 2020.

The remit's principles have been discussed at the recent Mayoral Forum, for which general support was expressed. Should the Council approve the attached remit, it is recommended that the Mayor and/or Chief Executive contact their counterparts in the neighbouring councils to seek their formal support to the remit. The remit would then be sent to LGNZ for consideration and inclusion at its AGM.

2. RECOMMENDATION

THAT the report from the **Chief Executive** be received;

AND THAT the **Council** approves the draft remit to **LGNZ** in relation to members attending public meetings remotely being included in the quorum for such meetings (as detailed in the attachment to the staff report), subject to any amendments.

AND FURTHER THAT the **Council** notes that **Mayor Sanson** and/or the **Chief Executive** will seek the support of five other councils in order that the remit can be submitted to **LGNZ** for consideration in accordance with **LGNZ** policy.

3. ATTACHMENTS

Draft LGNZ Remit – Quorum for members attending a local authority meeting remotely

Waikato District Council – LGNZ Remit

Ability for members to be included in the quorum when attending local authority meetings remotely

Remit: That LGNZ requests central government amend legislation to enable elected or appointed members, connecting remotely to a public council meeting, be included in the quorum. This would provide an option for local authority meetings to be held completely remotely, if required.

Proposed by: Waikato District Council

Supported by: [TBC]

Background information and research

I. Nature of the issue

Prior to the Covid-19 pandemic, legislation required that members had to be physically present at a meeting to be included in the quorum.

To enable public meetings to continue during Covid-19, the [COVID-19 Response \(Urgent Management Measures\) Legislation Act 2020 \(the Covid-19 Act\)](#) amended sections of the Local Government Act 2002 (**LGA**) and Local Government Official Information and Meetings Act 1987. These amendments included:

- Local authority or committee members who join a meeting by audio or audio-visual means were counted for the purpose of a quorum.
- Open public meetings to be livestreams, where reasonably practicable to do so.
- Provide either an audio or video recording, or written summary, of the open public meetings on the local authority's website as soon as practicable after the meeting.

For many councils, this has provided an opportunity to adopt an innovative approach to hold public meetings, resulting in benefits for local government democratic processes, financial and resource efficiencies and environmental improvements (detailed further below).

This remit requests that the legislative amendments introduced for Covid-19 are retained (beyond the term of the Epidemic Preparedness (COVID-19) Notice 2020) as an option for local authorities to adopt via their Standing Orders. For clarity, the remit:

- does not propose that meetings where a quorum (or more) of members attends remotely become the only or dominant means to hold local authority meetings; simply that this is retained as an option for each council to consider using; and
- supports the retention of the LGOIMA amendments to protect transparency and public access to local authority meetings.

2. Background to it being raised

The LGA was amended in 2014 to enable members to join a meeting by audio or audio-visual link, subject to certain procedural requirements being met and the local authority's Standing Orders permitting such remote attendance. However, only members physically present are to be counted toward the meeting's quorum. For Council meetings, this requires:

- half of the members to be physically present (if the number of members (including vacancies) is even); or
- a majority of members to be physically present if the number of members (including vacancies) is odd.

The Covid-19 Act was enacted in response to the restrictions imposed on the New Zealand population, including travel prohibition and social distancing. The Covid-19 Act's amendments to the LGA and LGOIMA (noted above) meant public meetings could be undertaken entirely by remote means (i.e. audio or audio-visual), subject to certain requirements to protect public access and transparency of local authority meetings. In particular, all members of a local authority or committee could attend remotely and be included in the quorum for a meeting (rather than having to be physically present at a specified meeting venue). These legislative amendments will be repealed on the expiry or revocation of the Epidemic Preparedness (COVID-19) Notice 2020¹.

The remit's proposal is made in a climate of uncertainty about the long-term impacts of the global pandemic, including financially for communities and councils alike, as well as the opportunities and flexibility that the legislative amendments have brought for local authorities and their respective communities in relation to public meetings.

3. New or confirming existing policy

This remit supports LGNZ's existing policy framework around local democracy and the environment, in particular. No new policy work is required.

4. How the issue relates to objectives in the current Work Programme

The remit supports some of LGNZ's key policy priorities:

Local democracy

- Remote meetings help with LGNZ's goals of reinvigorating local democracy and modernising local government legislation.
- Wider public access to local authority and committee meetings, with potential of a significant increase in members of the public able to view livestreamed coverage compared to travelling to attend a meeting. This is a particular benefit for local authorities with large geographic boundaries or that have a significant rural resident population.

¹ At the time of submitting this remit, the Notice is due to expire on 25 June 2020.

- The wider reach of livestreamed meetings also enhances community engagement and understanding of local government, which may have a positive effect on voter participation at local authority elections.
- The public still being able to participate in open public meetings, if required, via audio-visual tools available.
- Supporting more diversity in representation as this would facilitate people who are unable to travel or be present in person because of workload, family commitments, disability or other factors.

Climate change

- Enabling members and communities to adapt towards a low carbon economy through reduction in travel.

5. What work or action on the issue has been done, and the outcome

With the advance of Covid-19 Act changes, local authorities have been required to implement, and benefitted from, innovative ways to continue holding public meetings while maintaining the public's access to local government decision-making. This has been able to be achieved at minimal cost to local authorities, which may not otherwise be in a position to put in place more high-tech options for live-streaming of meetings from Council offices. As a result, for some councils, returning to a requirement for a quorum to be physically present at all meetings will be a 'step backwards'.

In addition to the advantages already canvassed, providing an option for local authorities to have a quorum (or more) of members attending meetings remotely has resulted in:

- more efficient use of members' time (e.g. reduction in travel required) for their other roles and responsibilities; and
- reduced operating costs associated with holding public meetings at Council premises.

The issues in this remit have been discussed at the Waikato Mayoral Forum.

6. Any existing relevant legislation, policy or practice

The current, temporary legislative framework that has enabled greater utilisation of remote meetings has been noted above. The remit proposes that the legislative amendments to the LGA and LGOIMA are embedded permanently, with each council having the option of incorporating this framework in its Standing Orders (similar to that contemplated under clause 25A(1)(a), Schedule 7, LGA).

7. Suggested course of action envisaged.

LGNZ to:

- work with central government and relevant stakeholders to advocate for legislative changes to the LGA and LGOIMA, enabling a quorum (or more) of members to attend a public local authority meeting remotely; and
- update the Standing Orders template to reflect the proposed legislative changes, which each local authority can adopt as an alternative option to holding 'in person' meetings.

Open Meeting

To	Waikato District Council
From	Gavin Ion Chief Executive
Date	4 June 2020
Prepared by	Lynette Wainwright
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Exclusion of the Public

I. RECOMMENDATION

THAT the public be excluded from the following parts of the proceedings of this meeting.

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 are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item 1.1 – Amendment of the Agreement Relating to the Supply of Water and the Collection and Treatment of Wastewater (C14/486)	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item 1.2 - Meremere Wastewater Treatment Plant Upgrade Funding		

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 No.	Section	Interest
1.1	7(2)(b)(ii)	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
	7(2)(h)	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.
	7(2)(i)	To enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
	7(2)(j)	To prevent the disclosure or use of official information for improper gain or improper advantage.
1.2	7(2)(b)(ii)	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
	7(2)(h)	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.
	7(2)(j)	To prevent the disclosure or use of official information for improper gain or improper advantage.