

Minutes of an extraordinary meeting of the Waikato District Council held via an Audio-Visual Conference on **WEDNESDAY, 6 MAY 2020** commencing at **9.03 am**.

Present:

His Worship the Mayor, Mr AM Sanson (Chairperson)
Cr AD Bech
Cr JA Church
Cr CA Eyre
Cr JM Gibb
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire
Cr EM Patterson
Cr NMD Smith
Cr LR Thomson
Cr CT Woolerton

Attending:

Mr GJ Ion (Chief Executive)
Mr TG Whittaker (Chief Operating Officer)
Mr R MacCulloch (General Manager Service Delivery)
Mrs S O’Gorman (General Manager Customer Support)
Mr C Morgan (General Manager Community Growth)
Ms A Diaz (Chief Financial Officer)
Mr J Quinn (Communications, Engagement and Marketing Manager)
Mr G King (Chief Information Officer)
Mr V Ramduny (Strategic Projects Manager)
Ms D Dalbeth (Business Improvement Analyst)
Mr B Stringer (Democracy Manager)
Ms G Brady (Democracy Advisor)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Mayor Sanson/Cr Smith)

THAT an apology be received from Cr Sedgwick.

CARRIED

WDC2005/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Mayor Sanson/Cr Patterson)

THAT the agenda for a meeting of the Waikato District Council held on **Wednesday, 6 May 2020** be confirmed and all items therein be considered in open meeting with the exception of those items detailed at agenda item 8 which shall be considered with the public excluded.

CARRIED

WDC2005/02

DISCLOSURES OF INTEREST

His Worship the Mayor Sanson and Cr Bech advised members that they respectively would declare a non-financial conflict of interest in Public Excluded Agenda item 4.1 [*Appointment of Maangai Maaori to Council Committees*].

CONFIRMATION OF MINUTES

Resolved: (Mayor Sanson/Cr Smith)

THAT the minutes of:

- a. a meeting of **Waikato District Council** held on **Monday, 24 February 2020**;
and
- b. an emergency meeting of **Waikato District Council** held on **Monday, 24 March 2020**,

be confirmed as a true and correct record of each respective meeting.

CARRIED

WDC2005/03

RECEIPT OF EMERGENCY COMMITTEE MINUTES

Agenda Item 5

Resolved: (Crs Patterson/Bech)

THAT the minutes of the extraordinary Emergency Committee meeting held on **Wednesday, 8 April 2020** be received.

CARRIED

WDC2005/04

ACTION REGISTER

Agenda Item 6

The General Manager Community Growth would circulate an update to elected members to explain why the plan change could not be notified until Alert Level 2 (Covid-19).

ACTION: Staff to advise whether an interim letter can be circulated to affected stakeholders as to the proposed course of action.

Resolved: (Crs Smith/Lynch)

THAT the report from the Chief Executive be received.

CARRIED

WDC2005/05

COMMITTEE RECOMENDATIONS

Policy and Regulatory Committee

Agenda Item 7

Resolved: (Crs Smith/Thomson)

2018/19 Annual Dog Control Report (P&R2003/06)

THAT Council approves that the 2018/19 Animal Control Report (as detailed in the attachment to Item 5.4 in the Policy & Regulatory Agenda) be released to Local Government NZ and the community.

Recommended 2019 Amendments to schedules attached to the Waikato District Council Speed Limit Bylaw 2011 (P&R2003/07)

THAT subject to any amendments from the Policy & Regulatory Committee, the Council adopt the 2019 proposed amendments to the schedules attached to the Speed Limit Bylaw 2011 (as detailed in Appendix 2 and Appendix 3 to Item 5.5 in the Policy & Regulatory Agenda, and as tabled at the Committee meeting).

CARRIED

WDC2005/06

REPORTS

Updated Emergency Delegations for COVID-19 Agenda Item 8.1

The Chief Executive and Democracy Manager spoke to the report. The following matters were discussed:

- The purpose of the amended delegations was to enable a 'back up' option should a Council meeting not be able to be convened. The intention was to have a future-proofed solution should another extraordinary event occur beyond Covid-19 so any urgent decisions could still be made.
- The delegations to the Emergency Committee were permitted under the Local Government Act 2002; those matters which legislation stipulates only Council can decide were expressly excluded from the Committee's terms of reference.
- An alternative option would be to increase delegations to staff in place of the Emergency Committee should a Council meeting not be able to be convened.

It was suggested that Council advocate to central government for local authorities to be able to hold virtual public meetings, without the requirement for physical attendance to meet quorum requirements, beyond the Covid-19 pandemic.

Resolved: (Crs Patterson/Church)

THAT the report from the Chief Executive be received;

AND THAT the delegations granted at the emergency Council meeting on 24 March 2020 (ref WDC 2003/03) are altered as follows:

I. Delegation to the Emergency Committee

THAT the Council approves that, if upon at least 24 hours' notice, a Council meeting cannot be convened due to a lack of quorum, the Chief Executive (or their delegate), in consultation with the Mayor (or, in the absence or unavailability of the Mayor, the Deputy Mayor), may call a meeting of the Emergency Committee to consider and decide on any of the matters that were to be presented to the Council (provided such matters fall within the Emergency Committee's Terms of Reference);

AND THAT the Council approves the amended Terms of Reference for the Emergency Committee, as attached to the staff report (Attachment 1), subject to removing the following words in the first sentence:

as a result of any pandemic or state of emergency.

AND FURTHER THAT the Council notes that an Emergency Committee meeting called in accordance with this resolution is held in place of a Council meeting.

2. Contingency Delegation and Chief Executive Delegation

AND FURTHER THAT, for clarity, the Council confirms the Contingency Delegations and Chief Executive Delegations, as detailed in the Council resolution of 24 March 2020 (WDC 2003/03) continue, subject to the terms of the respective delegations, until they are revoked by the Council.

AND FURTHER THAT Council also notes that other than as set out in this report, the Chief Executive and officer delegations that are currently in place, and delegations that cannot be delegated by law, are unaffected by this resolution and will remain with the Chief Executive, officers or Council as applicable.

AND FURTHER THAT the Council approves that this resolution is to take immediate effect.

CARRIED

WDC2005/07

2019-2020 Third Quarter Non-Financial Performance Report Agenda Item 8.2

The Business Improvement Analyst spoke to the report and, supported by the Chief Operating Officer, highlighted, and responded to questions on, the following matters:

- Breakdown of demographics was obtained on an annual basis; not for each quarter.
- Level of service for roading and an economic development survey were two issues not measured last year that would be included in the annual results.
- An LTP workshop would be held with elected members to explore the Council's communication and engagement strategy and reconfigure the Significance and Engagement Policy prior to the Long Term Plan. Consideration to be given on how the organisation engages with the District's communities going forward.
- Staff were looking at how to address dissatisfaction with requested work not being completed or the public not being advised work had been completed.
- Analysis to be done on serious dog attacks, including the cause and benchmarking against number of dogs in the District.

Resolved: (Crs Patterson/Lynch)

THAT the report from the Chief Operating Officer be received.

CARRIED

WDC2005/08

Financial performance summary for the period ending 31 March 2020
Agenda Item 8.3

The Chief Financial Officer spoke to the report and highlighted, and responded to questions on, the following matters:

- Purpose of report was to present a base case of the Council's financial position rather than provide detailed analysis due to the Covid-19 situation.
- Typographical correction in report (p81 Agenda – Treasury compliance) – debt levels forecast to increase by \$20 million, not \$30 million.
- Audit fees for current financial year had been receipted in Council's system and will be corrected in the statements.
- Increase in level of debtors compared to last year.
- Staff were exploring at ways to address carry-forwards from one financial year to the next, and how this would be reflected in the statements.
- Significant drop in capital expenditure connected to on-boarding Watercare. The Chief Executive provided an update on Watercare work on capex contracts, which was to be presented to the Waters Governance Board.
- Reduced income received in first two weeks of April; more financial reporting for April would be provided to elected members.
- Robust process was in place to track costs arising from the Covid-19 crisis, and the amount recoverable from third parties.
- Port Waikato Surf Club – loan was to the ratepayers which affected the targeted rate.

Resolved: (Crs Eyre/Church)

THAT the report from the Chief Financial Officer be received.

CARRIED

WDC2005/09

Local Government Funding Agency Standby Facility
Agenda Item 8.4

The Chief Financial Officer spoke to the report. The purpose was to enable the Council to take up the offer by 30 June 2020, should the facility be required to address a significant fall in cashflow.

Resolved: (Crs Church/Bech)

THAT the report from the Chief Financial Officer be received;

AND THAT the Council enter into the LGFA Standby Facility Agreement (the key terms of which are set out in the attachment to the staff report);

AND FURTHER THAT the Council delegates the Chief Operating Officer authority to enter into all documentation required to give effect to this resolution.

CARRIED

WDC2005/10

Funding Source for Council's Contribution for the Sub-Regional Three Waters Study
Agenda Item 8.5

Resolved: (Crs Patterson/Smith)

THAT the report from the Chief Executive be received;

AND THAT Council approves that the \$75,000 cost share contribution for phase two of the sub-regional three waters study being funded from the Strategic Investment Fund (budget code 1999-8322).

CARRIED

WDC2005/11

The Chief Executive provided an update on the business case on the sub-regional wastewater facilities around Hamilton, for which Council would be requested to financially contribute. Further analysis was required on the benefits to the District relative to other partners.

Extension of Dog Registration Discount Period 2020
Agenda Item 8.6

The General Manager Customer Support spoke to her report and noted a change to the recommendation so that the discount period would expire on 18 September 2020, rather than 20 September 2020.

In response to questions, the General Manager confirmed that the reported financial impact was the 'worst case scenario', though it was not expected that all dog owners would pay registration fees during the discounted period.

Resolved: (Crs Church/Bech)

THAT the report from the General Manager Customer Support be received;

AND THAT the Council approves that the 2018-21 Fees and Charges Schedule be amended to extend the date that dog registration fee payments will be discounted for 2020, from 20 July 2020 to 18 September 2020.

CARRIED

WDC2005/12

EXCLUSION OF THE PUBLIC

Agenda Item 9

Resolved: (Crs Patterson/Gibb)

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 – Confirmation of Minutes 24 February 2020	Good reason to withhold exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item 2.1 – Receipt of Minutes (Emergency Committee) 8 April 2020		
Item 3.1 – Infrastructure Committee Recommendations		
Item 4.1 - Appointment of Maangai Maaori to Council Committees		

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
Item 1.1		Refer to the previous Public Excluded reason(s) in the Agenda for this meeting.
Item 2.1		Refer to the previous Public Excluded reason(s) in the Agenda for this meeting.
Item 3.1	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)(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.
Item 4.1	7(2)(a)	To protect the privacy of natural persons, including that of deceased natural persons.

CARRIED

WDC2005/13

Resolutions WDC2005/14 – WDC2005/19 are contained in the public excluded section of these minutes.

Having concluded the public excluded meeting the following item was released into open meeting:

REPORTS (continued)

Appointment of Maangai Maaori positions to Council Committees
Agenda Item 4.1

It was resolved (WDC2005/18) during the public excluded section of the meeting that the following resolution be released into open meeting but the report remain confidential and unavailable to the public:

Resolved: (Crs Smith/Eyre)

THAT the report from the Chief Executive be received;

AND THAT the Council notes the appointment process undertaken by the Maangai Maaori Appointments Panel (detailed in section 3.1 of the staff report);

AND FURTHER THAT, in accordance with clause 31(3), Schedule 7 Local Government Act 2020, the Council appoints:

- a. Brendon Green as the Maangai Maaori on the Infrastructure Committee; and**
- b. Maxine Moana-Tuwhangai as the Maangai Maaori on the Strategy & Finance Committee, and the Policy & Regulatory Committee,**

noting that the two named appointees have the skills, attributes, and knowledge that will assist the work of the respective committees;

AND FURTHER THAT Council alters its resolution of 9 December 2019 (ref WDC1912/07) to approve a fixed annual contractual payment for each Maangai Maaori appointment as follows:

- a. Brendon Green - \$15,000**
- b. Maxine Moana-Tuwhangai - \$22,500,**

noting that the annual payment covers all services provided, including attendance at workshops, briefings or any other informal meetings and Council duties (where required), and will be paid on a quarterly basis;

AND FURTHER THAT the Chief Executive be delegated authority to enter into contractual arrangements with the appointed Maangai Maaori to give effect to this and previous resolutions, relating to the establishment of Maangai Maaori roles at Waikato District Council;

AND FURTHER THAT the Maangai Maaori Appointments Panel be thanked for the time and the individual voluntary contributions to the appointment process;

AND FURTHER THAT this resolution be released into the open meeting but the report remain confidential and unavailable to the public.

A division was called:

For the Motion: Councillors Lynch, Eyre, Smith, Henderson, Thomson, McInally, Patterson, Church, Woolerton and Gibb

Against the Motion: Councillor McGuire

CARRIED

Mr Geoff King, the recently-appointed Chief Information Officer, was introduced to the elected members.

There being no further business, the meeting was declared closed at 10.59am.

Minutes approved and confirmed this day 2020.

AM Sanson
CHAIRPERSON