

**Notice of Meeting:**

I hereby give notice that an extraordinary Meeting of the Council will be held on:

**Date:** Thursday 2 April 2020  
**Time:** 9.30am  
**Meeting:** Audio Visual Meeting

Richard Briggs  
Chief Executive

---

## **Extraordinary Council OPEN AGENDA**

---

**Membership**

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

**Quorum:** A majority of members (including vacancies)

**Meeting Frequency:** Monthly – or as required

---

Becca Brooke  
Governance Manager

**1 April 2020**

Telephone: 07 838 6727  
Becca.Brooke@hcc.govt.nz  
www.hamilton.govt.nz

## **Purpose**

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## **Terms of Reference**

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
  - a) The power to make a rate.
  - b) The power to make a bylaw.
  - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
  - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
  - e) The power to appoint a Chief Executive.
  - f) 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 Council's governance statement, including the 30-Year Infrastructure Strategy.
  - g) The power to adopt a remuneration and employment policy.
  - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
  - i) The power to approve or amend the Council's Standing Orders.
  - j) The power to approve or amend the Code of Conduct for Elected Members.
  - k) The power to appoint and discharge members of committees.
  - l) The power to establish a joint committee with another local authority or other public body.
  - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
  - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
  - a) 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.
  - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
  - c) Approval of any changes to city boundaries under the Resource Management Act.
  - d) Adoption of governance level strategies plans and policies which advance Council's vision and strategic goals.

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee Advisory Groups and their terms of reference.
- j) Appointments to, and removals from, CCO CCTO and CO boards;
- k) Approval of proposed major transactions or constitutional adjustments of CCOs, CCTOs and COs.
- l) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- m) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
- n) Approval Activity Management Plans.

**Oversight of Policies and Bylaws:**

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>1</b>	<b>Apologies</b>	<b>5</b>
<b>2</b>	<b>Confirmation of Agenda</b>	<b>5</b>
<b>3</b>	<b>Declarations of Interest</b>	<b>5</b>
<b>4</b>	<b>Public Forum</b>	<b>5</b>
<b>5</b>	<b>Confirmation of the Extraordinary Council Open Minutes 27 March 2020</b>	<b>6</b>
<b>6</b>	<b>Chair's Report</b>	<b>18</b>
<b>7</b>	<b>Covid-19 Community Funding Response general criteria and guidelines</b>	<b>41</b>
<b>9</b>	<b>Late Report - Delegations to Positions Policy: amendments in light of Covid-19 response and state of emergency</b> <i>(to be circulated under separate cover)</i>	
<b>8</b>	<b>Resolution to Exclude the Public</b>	<b>47</b>

**1 Apologies**

**2 Confirmation of Agenda**

The Council to confirm the agenda.

**3 Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

**4 Public Forum**

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Mayor.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6727.

# Council Report

**Committee:** Council

**Date:** 02 April 2020

**Author:** Carmen Fortin

**Authoriser:** Amy Viggers

**Position:** Governance Advisor

**Position:** Governance Team Leader

**Report Name:** Confirmation of the Extraordinary Council Open Minutes 27 March 2020

<b>Report Status</b>	<i>Open</i>
----------------------	-------------

## Staff Recommendation

That the Council confirm the Open Minutes of the Council Meeting held on 27 March 2020 as a true and correct record.

## Attachments

Attachment 1 - Extraordinary Council Open Unconfirmed Minutes - 27 March 2020

## 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 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. The 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"> <li>) Good reason to withhold</li> <li>) information exists under</li> <li>) Section 7 Local Government</li> <li>) Official Information and</li> <li>) Meetings Act 1987</li> </ul>	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>
----------	--	---

**The meeting went into Public Excluded session at 3.47pm.**

**The meeting was declared closed at 4.06pm.**

## Council Report

**Committee:** Council **Date:** 27 March 2020  
**Author:** Igor Magud **Authoriser:** Tracey Musty  
**Position:** Procurement Manager **Position:** Financial Controller  
**Report Name:** Contract 14110 PSP Transport Extension

<b>Report Status</b>	<i>Open</i>
----------------------	-------------

### Purpose

- To seek approval from the Council to extend to December 2020, Contract 14110 Professional Services Panel (Tranche Two) Roading and Transport / Parking

### Staff Recommendation

- That the Council:
  - receives the report; and
  - approves the recommended extension of Hamilton City Council's Professional Services Panel Transport (Contract 14110) to December 2020.

### Executive Summary

- Staff have been assessing delivery options for Transport and Parking Professional Services Panel
- This assessment has taken longer than expected to complete, which has resulted in the current Contract 14110 to expire
- Whilst staff have been able to engage Transport Consultants using IPENZ engagement, this is not efficient in the long term
- Staff are seeking an extension to the existing Contract 14110 on existing rates, to December 2020, whilst options are considered
- Finance Committee August 2019, Council approved the recommended Joining Deed for Contract 18218 Professional Services Panel for a period of five years to August 2024
- At that point the existing Hamilton City Council Contract 14110 Tranche Two Roading & Transport / Parking had not yet expired, and ongoing internal discussion continued in respect to the options of:
  - Procure from the regional panel jointly with other Waikato local authorities, starting January 2020 (subject to NZTA endorsement)
  - Formulate a Hamilton City Council specific (ex- WLASS) Transport Panel

### Background

9. The Professional Service Panel contract is a panel contract. A panel of suppliers is a list of suppliers who have been pre-approved and who have agreed to the terms and conditions including hourly rate pricing.
10. Contract 18218 LASS Professional Services Panel for the current Consultancy PSP Panel was approved September 2019.
11. Contract 18218 approval covered the following Disciplines-
  - i. Discipline 1: Building Services
  - ii. Discipline 2: Three Waters
  - iii. Discipline 3: Flood Hazard Management
  - iv. Discipline 4: Urban Design
  - v. Discipline 5: Planning
  - vi. Discipline 6: Support Services
  - vii. Discipline 7: Roading and Transportation (excluded then for HCC)
  - viii. Discipline 8: Public Transport and Parking (excluded then for HCC)
12. The principal purpose of establishing the WLASS panel was to provide value to the councils to procure services in two key ways;
  - securing discounted rates from consultants; and
  - eliminating the time, cost and effort otherwise required to Councils to procure services in the future for each piece of work
13. HCC had a separate PSP arrangement for Transport services which expired 1 January 2020. Given this, staff elected not to participate on the Evaluation of Disciplines 7 (Parking and Transportation) and Discipline 8 (Parking) for Contract 18218. The WLASS Framework allows new councils to join which gives the opportunity for Hamilton City to enter into a joining Agreement for those disciplines at any time.
14. Staff recommendation is to workshop options for Hamilton City Council to potentially develop its own Transport Disciplines Panel over the remainder of 2020
15. Staff will report back to the end of year Finance Committee with a recommendation
16. Communication would be issued to the expired Transport Panel members seeking them to honour existing Consultancy rates to 30 June 2021.
17. Ongoing engagements during the extension period can be mutually agreed using the standard IPENZ Engineers NZ Agreement form which would form the contract per engagement between the Consultant and Hamilton City Council

### Financial Considerations

18. The financial implications of the staff recommendation are as follows:
19. The extension of the Professional Services Panel contract 14110 does not in itself commit Council to specific sums of expenditure.

20. The control of budgets and expenditure spent via the Professional Services Panel will be managed with normal delegations within the budgets approved in the 2018/2028 10-year plan

#### Legal and Policy Considerations

21. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.
22. A number of internal protocols will continue to apply with engaging Transport Professional Services Providers on the Panel. These protocols as outlined in the Procurement Policy & Procedures Manual are:
  - Approval for signing off Instruction for Services- within existing delegated authorities
    - <\$50,000 Contract Managers
    - <\$100,000 Unit Managers
    - <\$500,000 to \$1,500,000 General Managers (depending on their delegation)
    - <\$3,000,000 Chief Executive
    - <\$3,000,000 Finance Committee or Council
23. Staff members may go out to either one or multiple Professional Service Providers for an offer of work depending on the circumstances;
24. All work carried out by the Professional Services Providers requires a written Instruction for Service. In the case of small hourly jobs this may be in the form of an ongoing Instruction for hourly rate work although it is Council's preference to undertake as much work under the Lump Sum pricing methodology as possible
25. For all Instructions for Services issued to Professional Service Providers on the panel a centralized register is kept in the Civica Authority Contracts Register
26. If there is a requirement to use Professional Services Providers outside the panel it must comply with the exclusions listed in the contract:
  - a) There is an instruction for Service or contract that exists prior to the implementation of the Panel;
  - b) For particular projects if specialist skills and resources are required that are considered not appropriate to source through Panel members (Where in the opinion of Council, the skills and current knowledge of Council's infrastructure needed for a project are not available from within the Panel, or it is desirable to supplement the skills available from within the Panel, Council may engage consultants from outside of the Panel or request Panel members to engage nominated sub-consultants for the project.);
  - c) There is not the availability of appropriate resources within the Panel.
27. Prior approval is required from the appropriate General Manager prior to engaging a Professional Services Provider outside the panel and in these cases the standard Procurement procedures shall apply; and
28. Individual Instructions for services will be managed by the relevant Asset/Project Manager.
29. Monitoring of KPI's and supplier performance will be undertaken and allow Council to provide feedback to Suppliers on their performance and better allocate future work packages within the panel.



### **Cultural Considerations**

30. In accordance with our obligation under the Local Government Act 2002, staff confirm that the content of this report has taken into consideration any cultural matters where possible to recognise and respect the Council's responsibility to take appropriate account of the principles of the Treaty of Waitangi, and to maintain and improve opportunities for Māori to contribute to local government decision-making processes.

### **Sustainability Considerations**

31. This report addresses matter of financial sustainability. No other considerations have been identified relevant to the matters in this report.

### **Risks**

32. There are no known risks associated with the decisions required for this matter.

### **Significance & Engagement Policy**

#### **Significance**

33. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

#### **Engagement**

34. Given the low level of significance determined, the engagement level is low. No engagement is required.

### **Attachments**

There are no attachments for this report. .

# Council Report

**Committee:** Council **Date:** 02 April 2020  
**Author:** Amy Viggers **Authoriser:** Becca Brooke  
**Position:** Governance Team Leader **Position:** Governance Manager  
**Report Name:** Chair's Report

<b>Report Status</b>	<i>Open</i>
----------------------	-------------

## Recommendation

That the Council:

- a) receives the report;
- b) notes Maangai Maaori Bella Takiari-Brame's resignation and subsequent reappointment process,
- c) approves that Cr Wilson will replace Cr O'Leary as Deputy Chair of the Hearings and Engagement Committee;
- d) approves to defer the following reports:
  - i) **Alcohol Control Bylaw Policy 2015** to the 19 May 2020 Community Committee meeting;
  - ii) **Hamilton Gardens Management Plan** to the 28 May 2020 Council Meeting;
  - iii) **Residential House options - 18A Ruakiwi Road** to be incorporated as part of the review of all Council owned dwellings and their use options report coming to Community Committee 19 May 2020;
  - iv) **Ruakura Road West Expressway Connection** to the 14 May 2020 Strategic Growth Committee meeting;
  - v) **Waipa District Council / HCC Growth Discussions Update** the 14 May 2020 Strategic Growth Committee meeting; and
  - vi) **Road Naming Issues and Policy Review** to the 2 July Council Meeting.

## Attachments

Attachment 1 - Chair's Report

Attachment 2 - Resignation Hamilton City Council Maangai Maaori Bella Takiari-Brame

Attachment 3 - Maaori Representation Kawenata between Waikato Tainui TROK and HCC - FINAL



# Chair's Report

## **Maangai Maaori Bella Takiari-Brame's Resignation.**

On 20 March 2020 I regretfully received Maangai Maaori Bella Takiari-Brame's resignation as a member on the Finance and the Strategic Risk and Assurance Committees. Bella's resignation is due to her appointment to Crown Infrastructure Partners Limited as a Director which directly creates a conflict of interest with her Council role.

At the next Finance Committee Meeting, we will formally farewell Bella, but in the mean time I would like to acknowledge and thank Bella for her contribution and service to the City in her role as Maangai Maaori.

The process to replace Bella's committee positions is currently underway. As outlined in the overarching Kawenata, the responsibility sits with Waikato-Tainui to carry out a recruitment process and nominate a suitable replacement for the vacant positions. Council will then make the final decision on an appointment to the role/s.

The Kawenata between HCC and Waikato Tainui TROK outlines the nomination and appointment process for Maangai Maaori. This document is attached to this report for your reference.

## **Hearings and Engagement Committee Deputy Chair**

Due to the work load relating to Chairing the Infrastructure Operations Committee, Cr O'Leary has requested to be replaced in her role as Deputy Chair of the Hearings and Engagement Committee. Cr Gallagher (Chair of the Hearings and Engagement Committee) is supportive of this move.

Crs O'Leary, Gallagher and I would like to recommend, with the agreement of Council, that Cr Wilson take on the role as Deputy Chair of the Hearings and Engagement Committee as it is in alignment with his role as Chair of the Dog Control Hearings Panel.

## **Deferral of Reports**

Following the announcement from Central Government concerning Covid-19 and alert level 4, some upcoming Council and Committee meetings were initially cancelled to enable staff to reprioritise work. Most of the BAU reports will automatically be deferred to the next relevant Council/Committee meeting, however some reports due to come to those cancelled meetings were subject to time bound council resolutions and will require a formal resolution to defer them to a subsequent meeting date.

Reports requiring formal deferral are outlined below:

### **Community Committee:**

- Alcohol Control Bylaw Policy 2015
- Hamilton Gardens Management Plan

- Residential House options - 18A Ruakiwi Road report (*proposed to now be incorporated as part of the review of all Council owned dwellings and their use options which will come to a future Council Meeting*).
- Road Naming Issues and Policy Review

#### Strategic Growth Committee

- Ruakura Road West Expressway Connection

#### Council

- Waipa District Council / HCC Growth Discussions Update (*proposed to now be incorporated as part of the General Managers Report 'Waipa DC/HCC and Waikato DC/HCC Governance Groups Update'*)

#### Recommendations:

That the Council:

- a) receives the report;
- b) notes Maangai Maaori Bella Takiari-Brame's resignation and subsequent reappointment process,
- c) approves that Cr Wilson will replace Cr O'Leary as Deputy Chair of the Hearings and Engagement Committee;
- d) approves to defer the following reports:
  - i) **Alcohol Control Bylaw Policy 2015** to the 19 May 2020 Community Committee meeting;
  - ii) **Hamilton Gardens Management Plan** to the 28 May 2020 Council Committee Meeting;
  - iii) **Residential House options - 18A Ruakiwi Road** to be incorporated as part of the review of all Council owned dwellings and their use options report coming to Community Committee 19 May 2020;
  - iv) **Ruakura Road West Expressway Connection** to the 14 May 2020 Strategic Growth Committee meeting;
  - v) **Waipa District Council / HCC Growth Discussions Update** the 14 May 2020 Strategic Growth Committee meeting; and
  - vi) **Road Naming Issues and Policy Review** to the 2 July Council Meeting.

Paula Southgate  
Mayor Hamilton City

100 Webster Rd

Tamahere 3284

20 March 2020

Mayor Paula Southgate

Chief Executive Richard Briggs

Hamilton City Council

Teenaa Koorua,

**Resignation as Maangai Maaori Hamilton City Council**

E whakawhiti atu ai i te koopuu mania o Kirikiriroa, me oona maara kai, te ngaawhaa whakatupu ake o te whenua moomona.

*Across the smooth belly of Kirikiriroa, its gardens bursting with the fullness of good things.*

Due to my appointment to Crown Infrastructure Partners Limited as a Director on the 16 March 2020, my position as Maangai Maaori has been determined to be a direct conflict.

It is with regret that I tender my resignation from the Hamilton City Council as the Maangai Maaori for the Finance Committee and Strategic Risk and Assurance Committee and therefore terminate our agreement "the Kawenata" effective on the 20 March 2020.

I am grateful for this opportunity to have represented Waikato Tainui in my role as Maangai Maaori, and acknowledge the amazing support that both of you and your team and fellow elected members past and present have provided me throughout my journey over the past 18 months.

I wish you all the best as the Hamilton City Council continues to build the city that allows its people to flourish and thrive.

Naaku noa, naa



Bella Takiari-Brame



# KAWENATA

AGREEMENT TO ESTABLISH MAAORI  
REPRESENTATION ON COUNCIL COMMITTEES

### ***He Mihi***

*He hoonore he kororia ki te Atua  
He maungarongo ki te whenua  
He whakaaro pai ki ngaa taangata katoa  
E mihi ana ki a Kiingi Tuheitia e pupuru ana ki te Mana Motuhake  
Ki a koutou katoa ngaa mana me ngaa maunga kōrero  
Teenaa koutou, teenaa koutou, teenaa koutou katoa.*

We acknowledge the creator of all things  
May his peace cover the land, with goodwill to all  
We acknowledge the keeper of Mana Motuhake King Tuheitia  
To everyone who hold our rich heritage  
We acknowledge you all.  
Teenaa koutou, teenaa koutou, teenaa koutou katoa.



*Te Winika, gift of Maaori Queen Te Arikunui Dame Te Atairangikaahu, collection of Waikato Museum Te Whare Taonga o Waikato.*

*E whakawhiti atu ai i te koopuu maania o Kirikirihoa  
Me oona maara kai, te ngaawhaa whakatupu ake o te whenua moomona*

Across the smooth belly of Kirikirihoa  
Its gardens bursting with the fullness of good things.

DATE: 1 OCTOBER

2018

## PARTIES

1. Waikato-Tainui
2. Te Runanga o Kirikiriroa ('TROC')
3. Hamilton City Council ('the Council')

(together, the 'parties').

## PART A: BACKGROUND

1. Te Whakakitenga O Waikato (Waikato-Tainui) is the recognised authority for the five Mana Whenua Hapuu who exercise traditional authority over the lands upon which Hamilton City is built; namely, Ngaati Wairere, Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamainupoo and Ngaati Korokii-Kahukura. For the purposes of this agreement, Waikato-Tainui represents these five Hapuu.
2. Te Runanga o Kirikiriroa (TROC) was formally established in 1988 as the urban Maori authority. Mandated by both the late Maori Queen, Te Atairangikaahu and the Mayor of the time, the late Sir Ross Jansen, TROC represents and is representative of Maaori (Maataa Waka) and Pasifika peoples living in Hamilton City and surrounding areas. As a result of this mandate, TROC has maintained a collegial relationship with the Hamilton City Council and has a history of advocating for Maaori representation at the Council table in keeping with the principles of the Treaty of Waitangi.
3. The Council is a local authority under the Local Government Act 2002 and is based in and responsible for Hamilton City.
4. Waikato-Tainui and TROC are seeking:
 

*'He painga moo ngaa miro katoa i raro i te mana o te kaihanga'*

*'All peoples are valued, respected and flourish under the authority of the creator'.*
5. The Council is seeking to provide opportunities for Maaori to contribute to its decision-making processes in a meaningful and effective manner and based on a partnership approach that reflects the principles of the Treaty of Waitangi.
6. The Council resolved on 18 October 2017 to explore alternative representation arrangements for Maaori that provide an opportunity for meaningful engagement and the parties have worked together to develop a preferred model as reflected in this kawenata.
7. On 2 August 2018 the Council resolved to adopt the model referred to in this kawenata.



8. The parties acknowledge that they have a broader and ongoing relationship across many aspects of the Council's operations, and that this kawenata and the representation model embraces and reflects that broader relationship.
9. The parties have entered into this kawenata to reflect their overarching relationship and to record their specific agreements as to that representation model.

#### **PART B: VISION AND PURPOSE**

10. The collective vision of all parties is captured by the proverbial saying of Kingi Pootatau Te Wherowhero (1858) which inspires people to acknowledge their connections and their distinctive identities, with a commitment to working together for the good of all.

*'Kotahi anoo te koohao te ngira e kuhuna ai te miro ma, te miro whero me te miro pango. A muri I a au kia mau ki te ture, ki te whakapono, ki te aroha. Hei aha te aha! Hei aha te aha!'*

*'There is but one eye of the needle through which the white, red and black threads must pass. After me, obey the commandments, keep faith and hold fast to love and charity. Forsake all else.'*

11. The purpose of this kawenata is to:
  - (a) identify the partnership values and principles that underpin the relationship between the parties; and
  - (b) identify a representative model through which Maaori will be provided the opportunity to contribute to the Council's decision-making processes.
12. More specifically, the intention of this kawenata is to:
  - (a) provide a framework for the parties to work together towards improving Hamilton;
  - (b) provide mechanisms and resources that assist Maaori to participate in Council decision-making processes; and
  - (c) assist the Council with its decision-making and other processes and exercise of functions and powers in order to:
    - (i) assist Council to meet its Long-Term Plan commitments;
    - (ii) improve the delivery of Council's legal and statutory obligations to Maaori;
    - (iii) identify strategic opportunities to work closely together for improving Hamilton City;
    - (iv) build Maaori capacity and capability to partner with the Council; and
    - (v) support the Council to grow its capacity and capability to effectively and meaningfully engage with Maaori.

**PART C: CONTENTS OF KAWENATA**

13. This kawenata covers the following matters:

- (a) **Part A:** Background;
- (b) **Part B:** Vision and purpose;
- (c) **Part C:** Contents;
- (d) **Part D:** Waikato-Tainui Aspirations;
- (e) **Part E:** TROK Aspirations;
- (f) **Part F:** Council Aspirations;
- (g) **Part G:** Values and Principles;
- (h) **Part H:** Appointments to Council Committees;
- (i) **Part I:** Expectation of the Parties;
- (j) **Part J:** Indemnity and Insurance;
- (k) **Part K:** Relationship Hui;
- (l) **Part L:** Communication Protocols;
- (m) **Part M:** Resolution of Issues;
- (n) **Part N:** Amendment and Termination;
- (o) **Part O:** Other Matters; and
- (p) **Part P:** Definitions and Interpretation.
- (q) **Part Q:** Glossary

**PART D: WAIKATO-TAINUI ASPIRATIONS**

14. Waikato-Tainui's aspirations in entering into this kawenata are as follows:

- (a) To work collaboratively with Hamilton City Council to achieve their tribal vision and strategic goals.
- (b) To ensure that the aspirations of Waikato-Tainui influence and inform Council decision-making, and are in the best interests of their tribal members and the wider Waikato community;
- (c) For Mana Whenua, specifically, Ngaati Wairere, Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamainupoo and Ngaati Korokii-Kahukura, the aspirations are to participate in, and add value to, the Council's decision-making processes through representation on Council's committees with full voting and speaking rights in decision-making roles within the committees; and

- (d) To provide for an enduring relationship between the parties through:
  - (i) A commitment to being open, honest and transparent in communication;
  - (ii) A commitment to work together in the spirit of cooperation, compromise and good faith;
  - (iii) Respect of the mana whakahaere rights and responsibilities of Waikato-Tainui and the five Hapuu they represent in this agreement being Ngaati Wairere, Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamainupoo and Ngaati Korokii-Kahukura; and
  - (iv) An ongoing commitment to further exploring potential opportunities for partnership with the Council.

#### **PART E: TROK ASPIRATIONS**

15. TROK's aspirations in entering into this kawenata are to advance the aspirations encapsulated in its constitution, including:
  - (a) The development of an effective working partnership with local authorities with respect to issues affecting Maaori and Pacific peoples in Hamilton city;
  - (b) Encouraging, promoting, assisting and developing the social, educational, cultural and political advancement of its members; and
  - (c) Involvement with Article III matters of the Treaty of Waitangi; in particular the principles of participation, partnership, protection, advocacy and representation.

#### **PART F: COUNCIL'S ASPIRATIONS**

16. The Council's aspirations in entering into this kawenata are as follows:
  - (a) To honour its legislative obligations, including under the Local Government Act 2002 (LGA) and the Resource Management Act 1991 (RMA), guided by the principles of Te Tiriti o Waitangi (the Treaty);
  - (b) To incorporate the unique perspective of Maaori in decision-making at the committee level;
  - (c) To provide a meaningful role for Maaori within Council's governance structure; and
  - (d) To better meet the current and future needs of the city's communities, of which Maaori make up a growing proportion.

**PART G: VALUES AND PRINCIPLES OF KAWENATA****Values**

17. The parties agree to honour the following values when working together under this kawenata:
- (a) **Kiingitanga:** we acknowledge Kiingitanga, its history in unifying Maaori and its rich history as the Maaori monarch established to unify Maaori and bring peace and protection to all people;
  - (b) **Tikanga and Kawa:** we respect and practise Tainui tikanga and kawa;
  - (c) **Mahitahi:** we work together towards a shared vision, we value diversity and promote collaborative solutions;
  - (d) **Tika:** we recognise that each partner has autonomy, different lines of accountability and we enable each party to develop and grow in its own way while recognising and acknowledging each other's independence;
  - (e) **Pono:** we will create an environment of trust, goodwill and respect towards each other, recognising and understanding the capabilities and constraints each party brings to the relationship;
  - (f) **Tauutuutu:** we recognise and value balance and reciprocity; and
  - (g) **Te Tiriti o Waitangi:** we respect the intent, the full text, the principles, and application of Te Tiriti o Waitangi.

**Principles**

18. The parties agree to honour the following working principles when working together under this kawenata:
- (a) We work together in good faith to safeguard and promote the mutual interests of the parties in order to improve outcomes for the people of Hamilton City;
  - (b) We act in ways that honour the Treaty of Waitangi principles including partnership, participation and active protection;
  - (c) We create and foster a high trust relationship and environment that allows the parties to work together while growing within their own tikanga (customs, obligations and conditions) and pursuing their own interests and priorities;
  - (d) We work towards solutions with rationality and honesty of purpose;
  - (e) We resolve any differences simply, effectively and in a manner that supports a long-term, intergenerational partnership;
  - (f) We seek opportunities to share skills, knowledge and information; and

- (g) We acknowledge the shared interests of the parties in the development and promulgation of strategy, policy and legislation/by-laws that affect the people of Hamilton City.

### Guiding principles for good governance

19. Both Waikato-Tainui and TROK also acknowledge the Council's guiding principles of good governance for members of Council committees:
  - (a) **Community pride:** decisions made will be in the best interests of Hamilton City, and will assist in ensuring that the Hamilton City continues to be one where people want to live, work and play;
  - (b) **Leadership:** committee members should engage enthusiastically and empathetically with the community to learn and act upon issues of local concern;
  - (c) **Consensus:** committee members are encouraged to strive towards reaching an agreed view/position on decisions and objectives so as to be able to show support of the unified culture of the Council;
  - (d) **Collective responsibility:** committee members should give regard to the agreed view/position of the Council by ensuring they express fairly and in a positive and supportive manner when representing the Council both in written and oral presentations;
  - (e) **Honesty and integrity:** committee members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour;
  - (f) **Respect for others:** committee members should promote equality by not discriminating unlawfully against any person, and shall always treat people with respect; and
  - (g) **Community engagement:** committee members should regularly communicate/engage with citizens, individuals and groups in Hamilton.

### PART H: APPOINTMENTS TO COUNCIL COMMITTEES

20. In taking any action or making any decision under this Part H, the parties will at all times act in accordance with the values and principles set out in this kawenata.

### Membership

21. There will be Maaori representatives on the following Council committees:
  - (a) One seat for Iwi on the Growth and Infrastructure Committee;
  - (b) One seat for Iwi on the Finance Committee;

- (c) Two seats on the Community and Services Committee - one seat for Iwi and one seat for Maataa Waka; and
- (d) One seat for Iwi on the Regulatory and Hearings Committee.

### **Nomination and appointment**

- 22. The parties agree that:
  - (a) Waikato-Tainui (for the Iwi seats) and TROK (for the Maataa Waka seat) are responsible for nominating suitable candidates for the positions on committees referred to above; and
  - (b) The Council will make the final decision on those appointments.
- 23. The process for Waikato-Tainui and TROK to nominate candidates is a matter for those parties in accordance with tikanga. The parties acknowledge the importance of an open and transparent nomination process to achieve the vision and purpose of this kawenata.
- 24. Waikato-Tainui and TROK must ensure that candidates that are nominated for appointment meet the essential criteria set out in Appendix One.
- 25. The role for the Maaori external members appointed to committees is as set out in Appendix Two.

### **Term and reappointment**

- 26. The appointments referred to in clause 22 will continue for the remainder of the 2016 to 2019 triennium, subject to any changes that may be made at the discretion of the Council during that triennium in accordance with clause 29.
- 27. At the commencement of each triennium the Council will:
  - (a) Engage with Waikato-Tainui and TROK in relation to the arrangements for Maaori representation on Council committees under this kawenata;
  - (b) Decide on the Maaori representation to be provided for during that triennium (if any);
  - (c) Communicate that decision to Waikato-Tainui and TROK; and
  - (d) Act in a manner that reflects the values and principles set out in this kawenata throughout that process.
- 28. The parties acknowledge that Council retains the right and discretion to review the positions of Maaori representatives on the committees at any time during a triennium, and to discharge members if that is considered appropriate in the circumstances.

29. During a triennium:
- (a) Waikato-Tainui and TROK may request that their respective Maaori member(s) be replaced, and in doing so will provide a nomination to the Council in relation to a replacement member; and
  - (b) The Council may request that a Maaori member be replaced, in which case the Council may discharge that member and seek a nomination from Waikato-Tainui and TROK in relation to a replacement member.
30. Waikato-Tainui and TROK will meet all of their own costs associated with the process for nominating Maaori candidates to the Council under this kawenata.
31. The Council will meet all of its own costs for appointing those Maaori members.

#### **PART I: EXPECTATIONS OF THE PARTIES**

32. The Council agrees to:
- (a) Comply with this kawenata and act in accordance with the values and principles expressed in it;
  - (b) Comply with its obligations under legislation to support Maaori participation in its decision-making processes; and
  - (c) Provide support to Maaori representatives of Council committees as set out in individual agreements with those representatives.
33. Waikato-Tainui and TROK agree to:
- (a) Comply with this kawenata and act in accordance with the values and principles expressed in it;
  - (b) Ensure nominated candidates have the skills, attributes, or knowledge that will assist the work of the Council committee(s); and
  - (c) Provide appropriate support to appointed Maaori representatives to fulfil their responsibilities as Committee members and enable them to connect back with their communities.

#### **PART J: INDEMNITY AND INSURANCE COVERAGE FOR EXTERNAL APPOINTEES – RESPONSIBILITIES AND COSTS**

34. The Council holds professional indemnity insurance which will include protection for claims against the Council arising from the activities of Maaori representatives appointed to Council committees. This provision requires individuals to report potential issues involving legal action (or the threats thereof) against Hamilton City Council immediately. It should be noted that the protections afforded by this cover do not extend to the individuals in their personal capacity.

35. The Council will provide an appropriate indemnity to Maaori representatives undertaking activities in their capacity as Committee members.

**PART K: RELATIONSHIP HUI**

36. This kawenata reflects and records a commitment to a long-term ongoing relationship. The parties acknowledge that over time the nature and focus of the relationship will evolve to reflect changing circumstances.
37. The parties agree to meet solely for the purpose of reviewing this kawenata at least every three years and within one month after the start of a new Council triennium, or otherwise as mutually agreed.
38. The parties may at any time and by mutual agreement amend this kawenata to reflect:
- (a) Changes to the vision or purposes of the relationship as they reflect changing circumstances; and
  - (b) Any other changes that parties consider and agree are necessary and appropriate.

**PART L: COMMUNICATION PROTOCOLS:**

39. The parties agree that:
- (a) Neither party may make a statement in relation to this kawenata or the representation arrangements, or on another party's behalf, without the agreement of all parties;
  - (b) This kawenata does not restrict Maaori stakeholders from presenting views or submissions on Council's policies, plans or in other Council processes;
  - (c) Unless required by law, by mutual agreement or if any party requests information relating to this kawenata remains confidential, all information relating to this kawenata will be open to the public; and
  - (d) The Council and its committees are subject to the Local Government Official Information and Meetings Act 1987, and the representation arrangements and work of the committees will be undertaken in compliance with that Act.

**PART M: RESOLUTION OF ISSUES**

40. The parties will act at all times in good faith, in accordance with the values and principles of this kawenata, and with the goal of preserving and enhancing their relationship.
41. However, in the event of a dispute, the parties agree to the following process:
- (a) In the first instance, the agreed representatives of the parties will meet and attempt to resolve the dispute;



- (b) If that process does not resolve the dispute, the matter will be referred to a group comprising:
  - (i) The Mayor and chief executive of the Council;
  - (ii) The Board Chair and chief executive of Waikato Tainui; and
  - (iii) The Board Chair and chief executive of TROK;
- (c) That group will work together to explore all options and approaches to resolving the dispute; and
- (d) That group may, by agreement, appoint a facilitator or mediator to assist in resolving the dispute.

#### **PART N: AMENDMENT TO AND TERMINATION OF KAWENATA**

- 42. The parties may agree from time to time and in writing to amend this kawenata.
- 43. Any party may terminate their participation in this kawenata by giving not less than one months' notice in writing to the other parties.
- 44. Prior to giving any such termination notice, all parties will in good faith and in accordance with the values and principles of this kawenata:
  - (a) Engage with the other parties to identify and work through any issue of concern;
  - (b) Explore constructive solutions that avoid the need for termination; and
  - (c) Provide time for that process to be worked through before resorting to termination.

#### **PART O: OTHER MATTERS**

- 45. The parties intend to be legally bound by this kawenata.
- 46. The parties will do all things that are reasonably necessary to implement or support the implementation of this kawenata.
- 47. No amendment to this kawenata will be effective unless it is in writing and signed by all the parties.
- 48. This kawenata may be executed in any number of counterparts (including facsimile or scanned PDF counterpart), each of which will be deemed an original, but all of which together will constitute the same instrument. No counterpart will be effective until each party has executed at least one counterpart.

#### **PART P: DEFINITIONS AND INTERPRETATION**

##### **Definitions**

- 49. In this kawenata, unless the context requires otherwise:

- (a) **Code of Conduct** means the Council's Code of Conduct (including any amendments or substitutions) as required under the Local Government Act 2002;
- (b) **'kawenata'** means this agreement;
- (c) **Iwi** refers to the 70,000 beneficiaries, 66 marae and 33 Hapuu of Waikato Tainui; and
- (d) **Standing Orders** means the Council's Standing Orders (including any amendments or substitutions) as required under the Local Government Act 2002.

### Interpretation

50. In this kawenata, unless the context requires otherwise:

- (a) Anything required by this kawenata to be done on a day which is not a working day may be done effectually on the next working day;
- (b) Headings appear as a matter of convenience and do not affect the construction of this kawenata;
- (c) A reference to a party to this kawenata or any other document includes that party's personal representatives/successors and permitted assigns;
- (d) A reference to a person includes a corporation sole and also a body of persons, whether corporate or unincorporate;
- (e) Where a word or expression is defined in this kawenata, other parts of speech and grammatical forms of that word or expression have corresponding meanings;
- (f) Any appendices form part of this kawenata;
- (g) The singular includes the plural and vice versa, and words importing one gender include the other genders;
- (h) A reference to an enactment or any regulations is a reference to that enactment or those regulations as amended, or to any enactment or regulations substituted for that enactment or those regulations;
- (i) Any reference to time is to New Zealand time; and
- (j) Any reference to 'written' or 'in writing' includes all modes of presenting or reproducing words, figures and symbols in a tangible and permanently visible form.

### PART Q: GLOSSARY OF TERMS

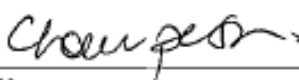
Hapuu	<i>Sub-tribe.</i> For the purpose of this agreement, refers to Ngaati Wairere, Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamainupoo and Ngati Korokii Kahukura
Iwi	<i>Tribe.</i> For the purpose of this agreement refers to the 70,000 beneficiaries, 66 marae and 33 Hapuu of Waikato-Tainui
Kawa	<i>Protocol</i> a system of rules that explain the correct conduct and procedures to be followed

Kawenata	<i>Covenant</i> agreement that binds the parties in a relationship
Kiingitanga	<i>Maaori Monarchy</i> - one of New Zealand's most enduring political institutions, the Kiingitanga - was founded in 1858 with the aim of uniting Maaori under a single sovereign.
Kirikiri-roa	<i>Long-gravel road</i> - Kirikiri-roa is the original name for the area that is now known as Hamilton City.
Maaori	<i>Indigenous people of New Zealand</i> - for the purposes of this agreement the term Maaori refers to Iwi, Hapuu and Maataa Waka as a collective of Hamilton City.
Maataa Waka	<i>Ancestral canoe, Ethnic origin</i> - for the purposes of this agreement Maataa Waka are representative of Maaori who live in Hamilton but descend from an Iwi other than Waikato Tainui.
Mahitahi	<i>Collaboration</i> -working collectively toward a common goal
Pono	<i>Honest/true</i> – acting with integrity in an open and transparent way
Tauutuutu	<i>Reciprocate</i> .- acting honourably
Tikanga	<i>Values, beliefs</i> – doing what is right for all
Tiriti o Waitangi	<i>Treaty of Waitangi</i> . The Treaty of Waitangi signed by Maaori and the British Crown on February 6, 1840, at Waitangi in the Bay of Islands.

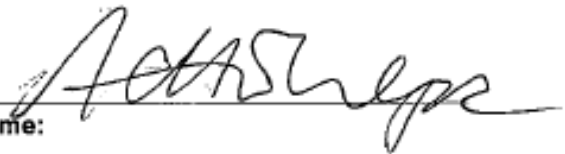
**EXECUTED BY THE PARTIES**

**SIGNED** by and on behalf of  
**WAIKATO-TAINUI:**

  
Name: Rukunana Scharfhaus  
Position:

  
Name: \_\_\_\_\_  
Position:


SIGNED by and on behalf of  
TE RUNANGA O KIRIKIRIROA:

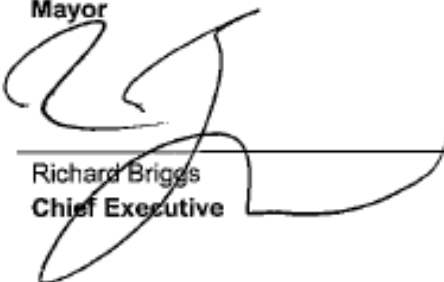
  
Name: \_\_\_\_\_

Position: \_\_\_\_\_  
Chief Executive

Name: \_\_\_\_\_  
Position: \_\_\_\_\_  
Elmott-Hope

SIGNED by and on behalf of  
HAMILTON CITY COUNCIL:

  
\_\_\_\_\_  
Andrew King  
Mayor

  
\_\_\_\_\_  
Richard Briggs  
Chief Executive

## APPENDIX ONE

### ESSENTIAL CRITERIA FOR CANDIDATES

1. The essential criteria for candidates to be nominated are set out below.
2. The candidate must:
  - (a) Have relevant experience and acumen for the appointment to the relevant Council committee (e.g. financial, local government planning, transport and infrastructure, community services etc) and the ability to apply this technical capability to the role required by the Council;
  - (b) Have the ability to engage in effective relationships with elected members, the Council staff, and the Council's stakeholders (including members of the public) on an ongoing basis;
  - (c) Have proven experience in participating in governance-level decision making at organisations with public accountability requirements;
  - (d) Not be in a position, or be directly related to someone in a position, whether financially or otherwise, that will create an ongoing conflict with the interests of the Council and/or the relevant Council committee to which the individual is nominated to be appointed. For example, a person who is a member of the senior management team at Tainui Group Holdings would be likely to have ongoing conflicts if appointed to the Growth and Infrastructure Committee or the Finance Committee;
  - (e) Understand good decision-making requirements for a local authority, the relevant Committees' delegations and terms of reference, as well as the roles and responsibilities of the mayor, elected members, chief executive and staff;
  - (f) Recognise that the governance role does not extend to operational matters or to the management of any implementation;
  - (g) Have a good understanding of the Council processes set out in the Standing Orders that determine how council meetings are run;
  - (h) Be willing and able to develop and maintain a working knowledge of Council services, management processes, powers, duties and constraints;
  - (i) Have strong and effective communication skills; and
  - (j) Have competence and understanding of Council's needs relating to committee requirements, and of the issues and risks facing the Council.

Item 6

Attachment 3

## APPENDIX TWO

### ROLE DESCRIPTION FOR MAAORI APPOINTEES TO COUNCIL COMMITTEES

Attachment 3

Item 6

#### Representation and Advocacy

1. In terms of representation and advocacy, the role of the Maaori appointees will be:
  - (a) To bring the views of Maaori residing in Hamilton into council decision-making processes;
  - (b) To maintain contact with the Maaori stakeholder groups/appointment bodies on a regular basis; and
  - (c) To participate in any relevant Council consultative processes with the local community and/or other organisations as a member of the relevant committee(s).

#### Governance

2. In terms of governance, the role of the Maaori appointees will be:
  - (a) To participate constructively and effectively in the good governance of the Council as a whole and, specifically, for the committee(s) to which the appointee is appointed, acting in the best interests of Hamilton city at all time;
  - (b) To understand and respect the differing roles of Mayor, Deputy Mayor, Committee Chairs and Councillors;
  - (c) To recognise that the governance role does not extend to operational matters or to the management of any implementation of Committee decisions;
  - (d) To be familiar and comply with:
    - (i) The Council processes set out in the Standing Orders that determine how the Council meetings are run;
    - (ii) The Council's Code of Conduct; and
    - (iii) The statutory and policy requirements that apply to members of a Council committee (including in relation to pecuniary interests and official information);
  - (e) To be familiar with and maintain awareness of the Council's statutory functions, powers and responsibilities, particularly as they relate to the terms of reference for the committee(s) to which the appointee has been appointed;
  - (f) To develop and maintain a working knowledge of council services, management processes, powers, duties and constraints;
  - (g) To participate in the setting and monitoring of council policies, budgets, strategies and service delivery in accordance with the delegations and terms of reference of the committee(s) to which the appointee has been appointed; and

- (h) To identify, be aware of and declare any potential personal conflicts of interest, whether of a pecuniary or non-pecuniary nature, in accordance with legislation and the Council's Code of Conduct and Standing Orders. The appointee must complete a declaration of interest on appointment, and update the declaration every six months in accordance with the Council's Code of Conduct.

### **Committee and other meetings**

- 3. In terms of committee and other meetings, the role of the Maaori appointees will be:
  - (a) To attend an induction programme within an agreed timeframe following the appointment of the appointee;
  - (b) To attend all committee meetings (except where absence has been noted with written agreement from the appointee's organisation and the Chair of the committee);
  - (c) To attend all Council briefings where there are items discussed which fall within the terms of reference of the committee(s) to which the appointee has been appointed (except where an apology has been provided in accordance with Standing Orders);
  - (d) To attend meetings of any taskforce to which the appointee has volunteered to be a member of, as a member of the relevant committee(s); and
  - (e) To read, and be familiar with, the agendas and other documentation circulated to Committee members prior to any of the meetings to which the appointee is required to attend under their individual kawenata.

### **Other**

- 4. The appointee will comply with the Council's health and safety and network security policies and processes (copies of which are to be provided to appointees on appointment).

# APPENDIX THREE

## WHAARANGI TAA MOKO TAUTOKO

MARSHA TUBINUI	Angela O'Leary
P. Motika	MILTON NGARUE
Adrian Piretti TE Pungu	
Raika Gray	Ngaati Maabanga
Te Hiri Tauti	Koroki-Kahurangi
ATUTAHU Riki	MAAHANGA
Rangia Riki	Ngati Mahanga
Sony Tokoroa	Ngati Tamarua
Tame Pokaia	Ngati Mahuta
Mare Pahi	Maata Waka TROK.
	THAWIK.
	Te Kanihera o Kirihera
	Te Kanihera o Kirikiriroa

Attachment 3

Item 6



# Council Report

Item 7

**Committee:** Council

**Date:** 02 April 2020

**Author:** Andy Mannering

**Authoriser:** Lance Vervoort

**Position:** Social Development Manager

**Position:** General Manager Community

**Report Name:** Covid-19 Community Funding Response general criteria and guidelines

<b>Report Status</b>	<i>Open</i>
----------------------	-------------

## Purpose

1. To inform and seek approval from the Council on the criteria, guidelines and funding process to allocate the Council's Covid-19 Community Response Funding.
2. The criteria, guidelines and funding process are attached to this report.

## Staff Recommendation

3. That the Council:
  - a) receives the report;
  - b) approves the Covid-19 Community Response Funding general criteria and guidelines as outlined in **attachment 1** of the staff report;
  - c) appoints Councillors Bunting (Chair Community Committee) and Naidoo-Rauf (Deputy Chair Community Committee) and Andy Mannering (Community and Social Development Manager) as the Council's allocation committee for the Covid-19 Community Response Fund; and
  - d) notes there will be a regular report to the Council on the distribution of this fund.

## Executive Summary

4. At the 27 March 2020 Extraordinary Council Meeting ([Agenda](#), [Minutes](#)) the Council discussed a Covid-19 Response Package to help mitigate the potential social and economic impacts of Covid-19 in Hamilton.
5. Part of the Covid-19 Response Package included the approval of \$1,000,000 of operating funding for the Social Service Funding Initiative as part of Phase 1.
6. The Council requested staff to present funding criteria and process details for approval at the next available Council Meeting.
7. Staff consider the matters in this report have medium significance, according to Council's Significance and Engagement Policy. The recommendations comply with the Council's legal requirements.

## Discussion

8. The Waikato Community Funders Group began meeting daily on 18 March 2020 to coordinate the philanthropic response to Covid-19. Community organisations were already being impacted by Covid-19 with increased requests and demand on services. A fund was established to assist community organisations which were identified as an essential social sector service supporting the wellbeing of at-risk people.
9. Trust Waikato initially announced \$1 million to assist community organisations providing essential community services and the Waikato Community Funders Group have committed a further \$1.225 million.
10. At the 27 March 2020 Extraordinary Council Meeting ([Agenda](#), [Minutes](#)) the Council discussed a Covid-19 Response Package to help mitigate the potential social and economic impacts of Covid-19 in Hamilton.
11. The Waikato Community Funders, including the Council, have agreed to align criteria and processes to allow swift funding of these essential community groups. The attached criteria, guidelines and process reflects this collaborative response.
12. The criteria and allocation of monies will reflect that the resource is to go to organisations (that support the well-being of at-risk people) which are experiencing an increase in demand on the services they provide because of the Covid-19 pandemic. Particularly they will be organisations that provide at-risk people with food and other goods they need to survive; provide support to disabled people to maintain critical well-being; supports the provision of a place for someone to live (via rental support, brokering or direct provision of accommodation); and, provides support for people who are in un-safe situations.
13. Prior to the move to Alert Level 4, 115 Organisations across the region were identified as significant providers of services to our vulnerable communities, this included community houses, foodbanks, disability, older persons and mental health services. The Waikato Community Funders Group want to ensure the resources available could assist the organisations working on the ground via direct action and community support. This list of organisations is extended and added to as groups operating reach out to the funders.
14. The funders are working across the Waikato to ensure that community organisations can meet the needs of local communities and the funding managers are meeting daily to look at applications, address growing concerns and support potential responses.
15. Individual funders will allocate money in line with their funding priorities and particular mandates, some of which are regionally focused. Council funding will be used to support organisations based in Hamilton, supporting the wellbeing of the city's people.
16. To allow funds to be allocated in time to meet immediate need it is recommended that the Council appoint an Allocation Committee to make funding decisions. The following Allocation Committee is identified in the attached criteria and guidelines and recommended to Council to approve:
  - Councillor Mark Bunting (Chair of Community Committee)
  - Councillor Kesh Naidoo-Rauf (Deputy Chair of Community Committee)
  - Andy Mannering (Community and Social Development Manager)
17. There will be a regular reports to the Council on the distribution of this fund to ensure all Members are informed on the matter.

## Finacial Considerations

18. At the 27 March 2020 Extraordinary Council meeting \$1,000,000 was allocated to this social service Covid 19 Community Response Fund. The costs of administration and distribution of this fund will be covered by staff and Elected member time allocated to this.

## Legal and Policy Considerations

19. Staff confirm that the recommendations in this report comply with the Council's legal and policy requirements.

## Wellbeing Considerations

20. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
21. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
22. The recommendations set out in this report are consistent with that purpose.

### Social

23. A key focus for the Covid-19 Community Response Funding is supporting organisations that are caring for our people. The community organisations that will be funded are established providers of social wellbeing services within Hamilton and are in a positioned to support directly individuals and households who need assistance.

### Economic

24. Economic conditions, including income, food and housing are integral to wellbeing. Economic Wellbeing is often defined as having present and future financial security, to be able to have economic choices and feel a sense of security, satisfaction and personal fulfilment. This security, satisfaction and personal fulfilment flow into people's ability to participate in wider society and feel connected, healthy and happy.
25. The main recipients of funds from the Covid-19 Community Response Funding will be directly supporting individuals and households who are experiencing adverse economic conditions affecting their wellbeing. Enabling our essential community organisations to care for our people now will enable our city to recover quicker in the coming months.

### Cultural

26. The Waikato Community Funders Group Covid-19 Response is aware of the diversity of our people and are actively engaging with community organisations that are address the needs of our wider Maaori, Pasifika and Migrant communities.

### Environmental

27. A key focus for the Covid-19 Community Response Funding is supporting organisations that are caring for our people and as such environmental considerations will be addressed via other intiatives/phases.

## **Risks**

28. As the Covid-19 epidemic is an unprecedented situation, it is difficult to predict what the demand for such funds will be. To mitigate any risks associated with the quantum of money potentially not being enough (or too much), staff will monitor costs closely and report to Council on a regular basis. The criteria and guidelines outlined in this report, along with staff monitoring of the use of the funds, will also provide mitigation of any potential risk of the funds being used for anything other than their defined purpose.

## **Significance & Engagement Policy**

29. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a medium level of significance
30. Given the level of significance, and the urgent nature of the matters being considered, no engagement is required

## **Attachments**

Attachment 1 - Covid-19 Community Response Funding general criteria and guidelines

## Covid-19 Community response funding general criteria and guidelines

The Waikato Community Funders Group takes a collaborative approach to funding opportunities across the Waikato. The group includes the Brian Perry Foundation, Braemar Charitable Trust, Gallagher Foundation, Momentum Waikato, DV Bryant Trust, Len Reynolds Trust, The Department of Internal Affairs, Trust Waikato, WEL Energy Trust, Hamilton City Council and Waikato Regional Council.

### 1. What are the funding considerations?

Funding consideration will be given to community organisations which are identified as an essential social sector service, and will be invited to apply if they are:

- a. A non-profit organisation who are supporting the wellbeing of at-risk people
- b. Impacted by Covid-19 with increased request and demand on services.

### 2. How must applications be made?

- a. Trust Waikato is receiving applications on behalf of the Waikato Community Funders Group. Therefore, only one application needs to be made by an organisation. (Note: Any COVID-19 grant will be in addition to an organisations usual grant application.) Applicants will require a login to Trust Waikato's Grantee Portal in Fluxx. As applications are by invitation only, access needs to be granted to the COVID-19 application form.
- b. Trust Waikato will share a Covid-19 application with the Waikato Community Funders Group for support. These meetings occur daily for a rapid process.
- c. Councillors Bunting and Naidoo-Rauf alongside the Community and Social Development Manager will assess applications and decide on the funding to be granted by HCC.

### 3. What will not be funded?

- a. Business as usual costs

### 4. What must accompany the application?

- a. Current proof of bank account in the name of the applicant group.

### 5. What are the requirements that must be met?

- a. All successful applications will be required to complete a grant agreement prior to payment of the grant.
- b. Successful applicants must adhere to the funding reporting requirements as prescribed by the Council.
- c. All recipients of community grants will provide accountability reports documenting how their activities have contributed to the objectives for which the funding was allocated.
- d. Recipients that fail to submit reports, or that have not spent the money in accordance with the application shall not be eligible for any further Council grants until:
  - i. accountability conditions have been met and/or grant monies returned and;
  - ii. the organisation can demonstrate their ability to meet the Council's eligibility criteria for a grant;
  - iii. and the organisation can deliver the project outcomes of which they are making an application for.

Central Government has given the following definition around essential social services at Alert Level 4. Essential Social Services are those that meet one or more of the following four criteria.

- Where the social service is the only way for people accessing food and other goods they need to survive (eg, money management (but not budget advice), food banks, and other delivery of essential goods).
- A social service that supports disabled people to maintain critical wellbeing (eg, disability services for those with high needs or very high needs and excluding disability employment services).

- A social service that provides and supports a place for someone to live (eg, Supported Accommodation, Housing First, Residences, Bail Hostels, Night Shelters, Family Homes, remand homes, foster carers of children in state care, resettlement services for recent migrants and refugees).
- Crisis support for people who are unsafe (eg, Funded helplines, refuges and family violence services, foster care support services, sexual violence crisis services).



## Resolution to Exclude the Public

### 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. Public Excluded Minutes - Extraordinary Council Meeting - 27 March 2020	) Good reason to withhold ) information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987 )	Section 48(1)(a)
C2. Public Excluded Chair's Report		

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 protect information which is subject to an obligation of confidence where disclosure would likely damage the public interest to avoid prejudice to measures preventing or mitigating loss to the public to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (c) (ii) Section 7 (2) (e) Section 7 (2) (j)