

**Notice of Meeting:**

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

**Date:** Friday 27 March 2020  
**Time:** 1.00pm  
**Meeting:** Audio Visual Meeting

Richard Briggs  
Chief Executive

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## Extraordinary Council OPEN AGENDA

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**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

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Becca Brooke  
Governance Manager

**27 March 2020**

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## **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*

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**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:** 27 March 2020  
**Author:** Mothla Majeed **Authoriser:** Jen Baird  
**Position:** Legal Services Manager **Position:** General Manager City Growth  
**Report Name:** Decision-making during Covid-19: further developments

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To inform the Council of developments in local government legislation in light of New Zealand's response to Covid-19.
2. To seek the Council's approval for a back-up mechanism for decision-making should Council be unable to convene a properly constituted meeting under the new requirements.

## Staff Recommendation

3. 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 48 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.
- 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.

## Discussion

### Update: Covid-19 Response (Urgent Management Measures) Legislation Act 2020

- 4. On 25 March 2020, Parliament met for the last time prior to a five-week adjournment and passed emergency legislation relating to New Zealand's response to Covid-19. The Covid-19 Response (Urgent Management Measures) Legislation Act 2020 amends a raft of legislation to allow government business to continue (and to be appropriately managed) in the face of Covid-19. The Act makes the following changes to legislation relevant to local government:

- The Act makes amendments to the Local Government Act 2002 (**LGA**) and the Local Government Official Information and Meetings Act 1987 (**LGOIMA**) to enable council meetings via audio or audiovisual link to meet quorum requirements (i.e. it removes the need for physical attendance for quorum purposes).
  - This amendment means that regardless of whether this is enabled in our Standing Orders, meetings can be conducted by audio or audiovisual links and will meet quorum requirements.
  - The Act also enables Council to post meeting agendas, reports and minutes on its website rather than in physical locations.
  - The Act modifies the LGOIMA requirement for meetings to be open to the public to be met without having to allow physical access to those meetings. Instead, if it is reasonably practicable, we must broadcast meetings live and provide records of the meetings on Council's website.
5. The legislation came into force on 26 March 2020. Accordingly, it now has force of law, allowing Council to hold today's meeting remotely as it satisfies the new quorum requirements (being a minimum of 7 members attending remotely).

#### **Effect of today's meeting, and need for a back-up decision-making mechanism**

6. Upon having this meeting, the Chief Executive's extended delegations granted at the Extraordinary Council Meeting on 25 March 2020 are automatically revoked.
7. Staff recommend that Council approves back-up mechanism for decision-making should it be unable to convene a properly constituted meeting under the new requirements. This would be a rare set of circumstances, but is one that should be planned for in advance.
8. There are a number of options for such a mechanism (including in particular those considered by Council at its meeting on 25 March 2020). However, staff recommend a mechanism by which the Extended CE Delegations would be reenabled in the event Council was unable to satisfy quorum requirements. This mechanism would be consistent with Council's decision on 25 March.
9. Accordingly, staff recommend Council resolves that in the event that, if upon 48 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 as prohibited by clause [32\(1\)\(a\) to \(h\) of Schedule 7 to the LGA](#) and any other Act) by authorising the Extended CE Delegations. The delegations would have force only during the period in which Council was unable to convene a meeting. The delegations would automatically expire once Council convened its next meeting. For clarity, the delegations would be capable of being automatically granted more than once, unless and until Council resolves otherwise.
10. By way of illustration, the following shows how the Extended CE Delegations could work over time:
- A Council meeting is called, and 48 hours before the meeting it is clear that quorum cannot be established.
  - At that point, the Chief Executive's delegations are automatically extended to the Extended CE Delegations.
  - The Chief Executive is able to exercise the delegations, and does so in accordance with the guideline protocol.
  - A further Council meeting is called, and 48 hours before the meeting, it is clear that quorum can be established.
  - The meeting is held, and quorum requirements are satisfied. Upon the meeting commencing, the Extended CE Delegations are revoked.



- A further Council meeting is called, and 48 hours before the meeting it is clear that quorum cannot be established.
  - At that point, the Chief Executive's delegations are automatically extended to the Extended CE Delegations.
  - A further Council meeting is called, and 48 hours before the meeting, it is clear that quorum can be established.
  - The meeting is held, and quorum requirements are satisfied. Upon the meeting commencing, the Extended CE Delegations are revoked.
11. As with the delegations approved on 25 March 2020, staff again recommend that the Extended CE Delegations are unrestricted so as not to limit the Chief Executive's ability to respond to any novel circumstances that may arise during any period in which Council is unable to convene a meeting. If restrictions are embedded as part of the resolution to delegate, the Chief Executive may be in a position where the restrictions function to limit the actions that can be taken by the Chief Executive. Because Council cannot amend the delegations until it next meets, essential actions may not be taken, or if they are taken, would be outside delegated authority and therefore unlawful.
12. Understandably, creating such a broad delegation (albeit only as a back-up mechanism) may be a concern for elected members. Three important checks and balances are recommended;
- First, the Extended CE Delegations only have effect during the period in which Council is unable to convene a meeting. They will automatically rescind upon Council's next properly constituted meeting;
  - Secondly, the Chief Executive's acknowledgment that he will, where reasonably practicable, follow the guidelines set out in paragraph 3(e) above in the exercise of the Extended CE Delegations.
  - Thirdly, that where reasonably practicable in the circumstances, the Mayor (or Deputy Mayor) and Chair (or Deputy Chair) of the relevant committee (if any) will canvas the views of elected members, Maangai Maaori and external appointees to the relevant committee (if any) and provide feedback to the Chief Executive before any decision is made under the Extended CE Delegations.

#### **Future Council and committee meetings**

13. The current plan is to resume the normal schedule of Council and committee meetings from 16 April. In the meantime, a further extraordinary Council meeting has been scheduled for 2 April 2020 to deal with any matters arising before 16 April. Staff will advise if further extraordinary meetings will be required, but they are not currently anticipated.

#### **Other matters for consideration**

14. In addition to the above arrangements, staff will also provide a further report at the next Extraordinary Council Meeting on 2 April 2020 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. Should they be approved, staff's intention is that these increased limits would apply even at times where Council is able to satisfy quorum requirements.

#### **Legal and Policy Considerations**

15. Staff have taken advice from Lachlan Muldowney, Barrister in preparing this report. Staff confirm that the matters in this report comply with the Council's legal and policy requirements.

## **Wellbeing Considerations**

16. 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').
17. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
18. The recommendations set out in this report are consistent with that purpose.

## **Risks**

19. The staff recommendation addresses the risk arising from Council's inability to satisfy quorum requirements in light of New Zealand's response to Covid-19.
20. The fact that the delegations are likely to rarely have force and the proposed guideline process for the Chief Executive to follow when exercising the Extended CE Delegations both address any risk of Council delegating its functions to the executive level.

## **Significance & Engagement Policy**

### **Significance**

21. 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.

### **Engagement**

22. Given the medium level of significance determined, the engagement level is medium. No engagement is required.

## **Attachments**

There are no attachments for this report.

# Council Report

Item 6

**Committee:** Council

**Date:** 27 March 2020

**Author:** Carmen Fortin

**Authoriser:** Amy Viggers

**Position:** Governance Advisor

**Position:** Governance Team Leader

**Report Name:** Confirmation of the Extraordinary Council Minutes 25 March 2020

<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation

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

## Attachments

Attachment 1 - Extraordinary Council Open Unconfirmed Minutes 25 March 2020

## Extraordinary Council

### OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Wednesday 25 March 2020 at 9.30am.

#### 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 – <i>Via Audio Visual Link</i>
	Cr A O'Leary – <i>Via Audio Visual Link</i>
	Cr R Pascoe
	Cr S Thomson – <i>Via Audio Visual Link</i>
	Cr M van Oosten
	Cr E Wilson – <i>Via Audio Visual Link</i>

In Attendance:	Richard Briggs – Chief Executive
	Mothla Majeed – Legal Services Manager – <i>Via Audio Visual Link</i>
	Lachlan Muldowney – Legal Advisor to Council – <i>Via Audio Visual Link</i>

Governance Staff:	Becca Brooke – Governance Manager
	Amy Viggers – Governance Team Leader

#### 1. Apologies

There were no apologies.

*It was noted that four Elected Members (Crs Naidoo-Rauf, Thomson, O'Leary and Wilson) were attending the meeting via audio visual link. For the purpose of the this meeting they would not be counted for quorum but are still be able to take part in the meeting and vote on any decisions.*

#### 2. Confirmation of Agenda

**Resolved:** (Cr van Oosten/Cr Pascoe)  
That the agenda is confirmed.

#### 3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. **Public Forum**

No members of the public wished to speak.

5. **Decision-making during Covid-19**

The Mayor introduced the report and outlined the options covered in the report. Staff and Council's legal advisors responded to questions from Elected Members concerning the differences between the options available, legislative constraints/provision and processes that would be put in place to support options.

**Resolved:** (Cr Macpherson/van Oosten)

That the Council suspend **Standing Order 23.8: Foreshadowed and Further Amendments** for the purpose of enabling foreshadowed amendments to be seconded by those who have spoken in debate.

**Decision-making during Covid-19:**

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

1. That the Council extends the Chief Executive's current delegations (detailed in the Council's *Delegations to Positions Policy*) 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:
  - a) The Extended CE Delegations will have effect only for the period from the date of this meeting until Council next meets at which time the Extended Delegations will automatically be revoked unless Council resolves otherwise at that meeting.
  - b) 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.
2. That the Council approves, for the avoidance of doubt, that the Extended CE Delegations include the power to cancel Council and committee meetings currently scheduled which, in the reasonable opinion of the Chief Executive, should be cancelled to comply with the current central government Covid-19 alert level.
3. That the Council 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.
4. That the Council notes that the Chief Executive has committed to exercising the Extended CE Delegations in accordance with the following guideline process:
  - a) 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.
  - b) 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 4(a) above.
  - c) 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.

- d) 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.
  - e) 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.
  - f) 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 1(a) above.
5. That the Council agrees that before providing their views to the Chief Executive as described in paragraph 4(a) above, the Mayor (or Deputy Mayor) and Chair (or Deputy Chair) of the relevant committee (if any) will carry out the following steps:
    - a) 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.
    - b) Whether the step described at paragraph 5(a) 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.
  6. That the Council approves the suspension until further notice of Standing Order 14.2 (providing attendance by audiovisual link does not count for quorum purposes), in order to allow remote Council meetings to take place in the event the legislative requirement for physical attendance is also suspended.

**Amendment:** (Cr Thomson/Cr Van Oosten)

1. That the Council approves extending the Chief Executive's current delegations (detailed in the Council's *Delegations to Positions Policy*) 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:
  - a) The Extended CE Delegations will have effect only for the period from the date of this meeting until Council next meets at which time the Extended Delegations will automatically be revoked unless Council resolves otherwise at that meeting.
  - b) 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.
2. That the Council approves, for the avoidance of doubt, that the Extended CE Delegations include the power to cancel Council and committee meetings currently scheduled which, in the reasonable opinion of the Chief Executive, should be cancelled to comply with the current central government Covid-19 alert level.
3. That the Council 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.
4. That the Council notes that the Chief Executive has committed to exercising the Extended CE Delegations in accordance with the following guideline process:
  - a) The Chief Executive will exercise any one or all of the Extended CE Delegations from time to time only after first allowing Elected Members, Maangai Maaori and any external appointees to the relevant committee (if any) the opportunity to provide their views on the proposed decision. The opportunity for consultation will be

provided by calling a virtual meeting with at least 24 hours' notice (**where practicable/possible**). For clarity, the virtual meeting is to have no quorum requirements. These consultation measures will be taken where reasonably practicable. For clarity, the ultimate decision will nevertheless rest with the Chief Executive.

- b) 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 4(a) above.
  - c) 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.
  - d) 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.
  - e) The Delegated Group shall keep a running record of all occasions where the Group Delegations have been exercised and shall remain accountable to elected members for the proper and prudent exercise of the Group Delegations.
  - f) 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 1(a) above.
5. That the Council approves the suspension until further notice of Standing Order 14.2 (providing attendance by audiovisual link does not count for quorum purposes), in order to allow remote Council meetings to take place in the event the legislative requirement for physical attendance is also suspended.

**Foreshadowed Amendment:** (Cr Forsyth/Deputy Mayor Taylor)

1. That the Council delegates all of Council's responsibilities, duties, and powers currently retained by Council or delegated to Council's standing committees (except the District Licensing Committee) to the Mayor, Deputy Mayor, and 6 Chairs of the Finance, Infrastructure Operations, Strategic Growth, Economic Development, Environment and Community Committees, and the Deputy Chairs of the relevant committee **only if the Chair is unavailable**, (together, the **Delegated Group**) to exercise (**Group Delegations**), subject to the following requirements:
- a) The Delegated Group will meet virtually if it is unable to meet in person.
  - b) Decisions will be made by majority where reasonably practicable. Where a member of the Delegated Group is unable to act or, in respect of an urgent decision, is otherwise unavailable, then decisions must be made by a minimum of two members of the Delegated Group where those two members constitute the majority of those members able to meet. Where deemed necessary to achieve efficient and timely decision making, the Delegated Group may by consensus sub – delegate their powers solely to the Chief Executive.
  - c) Where the Deputy Chair of the relevant committee is unable to act, then the Deputy Chair of another committee (as nominated by the Mayor) will act in their place.
  - d) The Group Delegations will have effect only for the period from the date of this meeting until Council next meets at which time the Group Delegations will automatically be revoked unless Council resolves otherwise at that meeting.
  - e) The Group 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.

2. That the Council approves, for the avoidance of doubt, that the Group Delegations include the power to cancel Council and committee meetings currently scheduled which, in the reasonable opinion of the Delegated Group, should be cancelled to comply with the current central government Covid-19 alert level.
3. That the Council notes that the Group Delegations will be exercised in accordance with the following guideline process:
  - a) Prior to the Delegated Group exercising any one or all of the Group Delegations from time to time, they will take all reasonable steps to consult with 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.
  - b) Whether the step described at paragraph 3(a) above is reasonably practicable is at the sole discretion of each member of the Delegated Group, depending on the urgency and significance of the decision at hand.
  - c) Where, in the reasonable opinion of the Delegated Group, a decision requiring the exercise of the Group Delegations could be deferred without any material consequences, the Delegated Group may elect to not exercise the Group Delegations, and instead defer the decision until the next full Council meeting.
  - d) The Delegated Group will advise Elected Members, Maangai Maaori and any external appointees to the relevant committee of each decision to exercise of the Group Delegations as soon as reasonably possible once it has been made.
  - e) The Delegated Group shall keep a running record of all occasions where the Group Delegations have been exercised and shall remain accountable to elected members for the proper and prudent exercise of the Group Delegations.
  - f) The Delegated Group shall provide an overall report of the exercise of the Group Delegations at the next full meeting of Council as described in paragraph 1(a) above.
4. That the Council approves the suspension until further notice of Standing Order 14.2 (providing attendance by audiovisual link does not count for quorum purposes), in order to allow remote Council meetings to take place in the event the legislative requirement for physical attendance is also suspended.

**The Amendment was put.**

<b>Those for the Amendment:</b>	Councillors Gallagher, O'Leary, Naidoo-Rauf, van Oosten, Thomson and Wilson.
<b>Those against the Amendment:</b>	Mayor Southgate, Deputy Mayor Taylor, Councillors Pascoe, Macpherson, Bunting, Hamilton and Forsyth.

**The Amendment was declared LOST.**

**The Foreshadowed Amendment was then put.**

<b>Those for the Foreshadowed Amendment:</b>	Deputy Mayor Taylor, Councillors Bunting, and Forsyth.
<b>Those against the Foreshadowed Amendment:</b>	Mayor Southgate, Councillors Gallagher, Pascoe, O'Leary, Macpherson, Hamilton, Naidoo-Rauf, van Oosten, Thomson and Wilson

**The Foreshadowed Amendment was declared LOST.**



**The Motion was then put and declared CARRIED unanimously.**

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

That the Council extends the Chief Executive's current delegations (detailed in the Council's *Delegations to Positions Policy*) 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:

- a) The Extended CE Delegations will have effect only for the period from the date of this meeting until Council next meets at which time the Extended Delegations will automatically be revoked unless Council resolves otherwise at that meeting.
- b) 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.
2. That the Council approves, for the avoidance of doubt, that the Extended CE Delegations include the power to cancel Council and committee meetings currently scheduled which, in the reasonable opinion of the Chief Executive, should be cancelled to comply with the current central government Covid-19 alert level.
3. That the Council 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.
4. That the Council notes that the Chief Executive has committed to exercising the Extended CE Delegations in accordance with the following guideline process:
  - a) 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.
  - b) 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 4(a) above.
  - c) 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.
  - d) 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.
  - e) 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.
  - f) 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 1(a) above.
5. That the Council agrees that before providing their views to the Chief Executive as described in paragraph 4(a) above, the Mayor (or Deputy Mayor) and Chair (or Deputy Chair) of the relevant committee (if any) will carry out the following steps:
  - a) 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.
  - b) Whether the step described at paragraph 5(a) 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.

6. That the Council approves the suspension until further notice of Standing Order 14.2 (providing attendance by audiovisual link does not count for quorum purposes), in order to allow remote Council meetings to take place in the event the legislative requirement for physical attendance is also suspended.

**The meeting was declared closed at 11.17am.**

# Council Report

Item 7

**Committee:** Council

**Date:** 27 March 2020

**Author:** Sean Hickey

**Authoriser:** Sean Hickey

**Position:** General Manager Strategy and Communications

**Position:** General Manager Strategy and Communications

**Report Name:** Covid-19 Response Package

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To seek approval from the Council for Phase 1 of Council's Covid-19 Response Package.

## Staff Recommendation

2. That the Council:
  - a) approves \$200,000 of operating funding for the Emergency Response Initiative as part of Phase 1 of Council's Covid-19 Response Package (**Initiative 1**)
  - b) 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 (**Initiative 2**)
  - c) approves the early payment of suppliers in April 2020 (**Initiative 3**)
  - d) 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 4**)
  - e) approves \$525,000 of operating funding for the Rent Relief Initiative as part of Phase 1 of Council's Covid-19 Response Package (**Initiative 5**)
  - f) approves \$280,000 of operating funding for the Rates Relief Initiative as part of Phase 1 of Council's Covid-19 Response Package and requests staff to present criteria and policy changes for approval at the next available Council Meeting (**Initiative 6**)
  - g) approves \$800,000 of payment deferrals for the Development Contributions Relief Initiative as part of Phase 1 of Council's Covid-19 Response Package and requests staff to present any policy or operating procedure changes required for approval at the next available Council Meeting (**Initiative 7**); and
  - h) approves \$165,000 of operating funding for the Business Response Centre Initiative as part of Phase 1 of Council's Covid-19 Response Package (**Initiative 8**).

## Executive Summary

3. Hamilton City Council has developed a Covid-19 Response Package to help mitigate the potential social and economic impacts of Covid-19 in Hamilton.

4. The Council's package of initiatives is split into two phases:
5. Phase 1 – immediate implementation (within 3 months):
  1. *Emergency response*
  2. *Community welfare package*
  3. *Early payment to suppliers*
  4. *Consent relief and refunds*
  5. *Rent relief*
  6. *Rates relief*
  7. *Development Contributions relief*
  8. *Business Response Centre*
6. Phase 2 – medium to long-term implementation (beyond 3 months):
  9. *Enhancing Council's capital programme*
  10. *Job creation programme and major economic stimulus*
  11. *Business network support*
  12. *Future financial relief options*
7. Staff recommend implementation of 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).
8. The total estimated cost to deliver Phase One is \$3,430,000.
9. 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.

## Background

10. In response to the Covid-19 epidemic, Hamilton City Council established an Incident Management Team (IMT), focussed on managing the immediate (and fast-changing) public health situation.
11. The declaration of a Civil Defence Emergency on 25 March 2020 means that management of our immediate, on-the-ground activity will be coordinated through the Civil Defence Emergency Management Centre. The IMT will continue to manage the Council's organisational response (including continuing essential services and managing staff wellbeing).
12. In parallel, staff have been working closely with Elected Members to develop a Covid-19 Response Package to respond to the immediate and ongoing social and economic needs of our community.
13. A draft package was socialised with Elected Members on 24 March 2020 and discussed during video-conference calls on 25-26 March 2020.
14. An additional initiative (8 in the list below) has been added to the recommended package overnight on 26 March 2020 as a result of new information provided.

## Discussion

15. **Overview of Council's Covid-19 Response Package**
16. The purpose of Council's Covid-19 Response Package is to help mitigate the potential social and economic impacts of Covid-19 in Hamilton.
17. Council's package is aimed at complementing the central government response and the efforts of other stakeholders. Direction given to staff by Elected Members is that the package should be consistent with Council's role – and not to do the job of central government.

18. We are actively working in partnership with government and local stakeholders including philanthropic trusts, neighbouring councils, the District Health Board (DHB), charities, business support agencies, Iwi and others.
19. The Council's package of initiatives is split into two phases:
- Phase 1 – immediate implementation (within 3 months)
  - Phase 2 – short, medium and long-term implementation (beyond 1-3 months):
20. Further detail of each of these initiatives is shown below.
21. In addition to the specific initiatives identified in this package, Council will continue to work with the community and our partners to identify further needs and, potentially, further initiatives.
22. **Phase 1 initiatives:**
23. Phase 1 Initiatives are intended to be implemented immediately. In some cases, further detail needs to be developed for Council approval which staff will bring back to the appropriate Council or Committee meeting.

	<b>Initiative</b>	<b>Estimated Cost (FY20)</b>
<b>1</b>	<b>Emergency response</b> <ul style="list-style-type: none"> <li>• Council has established an Incident Management Team and is coordinating with Civil Defence, Ministry of Health and other agencies to coordinate the immediate public health response to Covid-19.</li> <li>• At this stage the response remains primarily a public health / safety focus with community organisations focused on ensuring they move safely to lock down and that their staff and volunteers are well.</li> <li>• Hamilton City Council has staff available to support a Civil Defence Emergency Management (CDEM) Welfare response.</li> <li>• Trained staff may also be required to support essential CDEM efforts in other districts near to Hamilton.</li> <li>• Effective immediately</li> </ul>	<b>\$200,000</b>
<b>2</b>	<b>Social Service funding support</b> <ul style="list-style-type: none"> <li>• In addition to its current single-year community grants of \$440,000, Council will make a further [\$500,000 OR \$1,000,000] available to community groups to help deal with social issues caused by the Covid-19 Pandemic.</li> <li>• While the impacts of COVID-19 at this stage are not fully clear to anybody, there is expected to be major social disruption in NZ as is being demonstrated in other countries across the world.</li> <li>• The NZ Government has acknowledged the urgent need for additional funding for NGOs and community groups and released a package of \$27m to support those organisations that are working hard to support people to stay well while also attempting to control the transmission of the virus.</li> <li>• This package supports services that: <ul style="list-style-type: none"> <li>○ Ensure people have access to the food and other goods they need to survive</li> <li>○ Provide a place for people to live</li> <li>○ Support disabled people to maintain critical wellbeing</li> </ul> </li> </ul>	<b>\$500,000</b> <b>OR</b> <b>\$1,000,000</b>

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	<ul style="list-style-type: none"> <li>○ Keep families safe from harm and offer crisis support</li> <li>• Council staff can report that the impact of the pandemic is already being felt by community organisations and this is expected to increase over the coming weeks and months. The ability to continue to provide services will become increasingly difficult without significant additional resource, including maintaining the wellbeing of the people undertaking the service provision.</li> <li>• <i>Funding:</i></li> <li>• The Waikato Community Funders Group have taken a collaborative approach to funding with contributions from a number of charities including Trust Waikato and WEL Energy who have committed \$1 million each to the new fund.</li> <li>• <i>Options and Recommendation:</i></li> <li>• Amounts of \$500,000 and \$1m have been proposed as a Council contribution to a regional COVID-19 response. The higher amount of \$1 million is recommended to acknowledge the urgent and increasing need to support our most vulnerable communities and the organisations that support them. A contribution of \$1m will ensure a greater contribution of funding targeted to Hamilton City communities while also ensuring a collaborative approach across the wider region.</li> <li>• <i>Process:</i></li> <li>• Due to the ever-changing nature of COVID-19 applications will be assessed on a case-by-case basis in a flexible way as the situation evolves. Individual organisation and collaborative initiatives will be considered.</li> <li>• The following process is proposed: <ul style="list-style-type: none"> <li>○ Applications made via Trust Waikato</li> <li>○ Wider funding group convene daily to decide the appropriate funder (For example, the Council may take the majority of Hamilton organisations, WEL Energy Trust those in Ngaruawahia, Huntly and Cambridge, Trust Waikato those in Tokoroa, Waitomo and Coromandel. This will also ensure oversight by each of the funders to ensure fair allocation of the fund across the region.</li> <li>○ A Council approval panel will assess and make final decision on allocation of HCC funding. This panel can include elected member representation</li> <li>○ The Council grants will be administered via our Smartygrants systems and can accommodate a 1-3 day turnaround from application to payment (note this may depend on volume of applications at any one time but urgent applications will be prioritised).</li> <li>○ Allocation of grants will be reported at Council Meetings.</li> </ul> </li> </ul>	
<b>3</b>	<b>Early payment to suppliers</b> <ul style="list-style-type: none"> <li>• Council will offer to bring forward payments to suppliers (due 20 April 2020) to be paid immediately – for those with immediate cashflow needs</li> <li>• Effective immediately</li> </ul>	<b>\$0</b>
<b>4</b>	<b>Consent relief and refunds</b> <ul style="list-style-type: none"> <li>• Council will offer a full refund of fees to anyone who wants to cancel a building or resource consent application</li> <li>• Indicative criteria are that this would apply to consents accepted and paid prior to 24 March 2020, regardless of how far through the consent process they are.</li> <li>• We have assumed up to 25% of current building consents and up to 10% of resource consents may access this.</li> </ul>	<b>\$460,000</b>

	<ul style="list-style-type: none"> <li>• Effective immediately</li> </ul>	
<b>5</b>	<b>Rent relief</b> <ul style="list-style-type: none"> <li>• Council will not charge rent to community groups and businesses that are unable to pay rent, due to financial hardship</li> <li>• This will include community groups, sports clubs, businesses operating from council facilities (such as cafes), and other businesses that can demonstrate hardship</li> <li>• We would apply this for the remainder of the financial year (to the end of June 2020) and review at that point.</li> <li>• Current income from rent is approximately \$350,000 per month</li> <li>• We have assumed up to 50% of tenants may access this.</li> <li>• Effective immediately</li> </ul>	<b>\$525,000</b>
<b>6</b>	<b>Rates relief</b> <ul style="list-style-type: none"> <li>• Council will extend its rates rebates scheme to include those that have recently lost their jobs (and don't have savings).</li> <li>• In addition to the Government Rates Rebate scheme, Hamilton City Council are one of only a few Councils which offer additional assistance to low income earners in the form of the Council Rebate.</li> <li>• The Council Rebate forms part of the wider Rate Remissions and Postponements Policy, adopted as part of the 2018-28 10-Year Plan.</li> <li>• For 2019/20 the Government Rates Rebate scheme provides ratepayers with a maximum rebate of \$640.</li> <li>• The Council's Rebate is up to a maximum of \$549.</li> <li>• On average Council processes more than 2,500 Government Rebates and 500 Council Rebates annually.</li> <li>• The applicant must be listed as the ratepayer, and the property must be their usual place of residence.</li> <li>• Both are calculated based on income and the level of rates.</li> <li>• The Council Rebate has additional qualifying criteria which includes ownership structure and the level of cash assets.</li> <li>• It is proposed that the Council Rebate be extended to provide assistance to those residential property owners that have been directly affected financially by the Covid-19 Pandemic, and where this has impacted their ability to their pay rates.</li> <li>• Additional criteria will be developed for this extension of the current scheme with urgency, and staff will then bring this to Council for adoption.</li> <li>• Is intended that this will be in place by the time of the 4th quarter rates instalment is sent to ratepayers mid-April.</li> <li>• Based on elected member feedback, when forming the criteria staff will consider: <ul style="list-style-type: none"> <li>○ An appropriate level of financial assistance</li> <li>○ The evidence required to demonstrate hardship to ensure it reaches the intended recipients</li> <li>○ Ease of application – potentially online with the ability to upload evidence of hardship</li> <li>○ The potential for part year remission – taking into account the likely changing nature of employment over the coming months</li> </ul> </li> </ul>	<b>\$280,000</b>

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	<ul style="list-style-type: none"> <li>○ We have assumed an additional 500 ratepayers may access this scheme in the last quarter of 2020</li> <li>○ Effective immediately</li> </ul>	
<b>7</b>	<p><b>Development Contributions relief</b></p> <ul style="list-style-type: none"> <li>• Council will allow deferral of some Development Contribution payments as outlined below:           <ul style="list-style-type: none"> <li>a) Defer payment of DCs required on the granting of a land use consent (i.e. change in use) building conversions for six months.               <ul style="list-style-type: none"> <li>○ This will provide relief to those who currently converting a space in a building (warehouse/industrial to e.g. a gym or shop or a place of worship) for six months. It will also provide relief to innovators post-lockdown to find new places ways to establish businesses.</li> <li>○ Estimated cost: \$300,000</li> </ul> </li> <li>b) Defer payment of DCs required on any granted ancillary dwelling building consent, for six months from issue of Code Compliance Certificate.               <ul style="list-style-type: none"> <li>○ This could provide relief to those who are already building ancillary dwellings (and include “tiny homes”), or who will construct after the lockdown. This could help families who need to have wider family nearby or need cheaper housing options.</li> <li>○ Estimated cost: \$400,000</li> </ul> </li> <li>c) Defer payments of DCs required on any granted non-residential building consent with less than 50m<sup>2</sup> of new GFA, for six months from issue of Code Compliance Certificate.               <ul style="list-style-type: none"> <li>○ This will provide relief to small business owners who are starting a business such as a hairdresser, or a small shop front to a workshop. These people often have trouble paying DCs in normal times, and this relief may help them continue or start up post-lockdown.</li> <li>○ Estimated cost: \$100,000</li> </ul> </li> </ul> </li> </ul>	<p><b>\$800,000</b></p> <p><b>Note: This would be recovered in 2020/21</b></p>
<b>8</b>	<p><b>Business Response Centre</b></p> <ul style="list-style-type: none"> <li>• Council will partner with Te Waka to deliver a Business Response Centre to provide on-the-ground support to small and medium businesses</li> <li>• Te Waka are in the process of establishing a Business Response Centre with potential services to include:           <ul style="list-style-type: none"> <li>○ Support with Government Subsidy Applications</li> <li>○ Provision of Business Advisor Needs Assessment</li> <li>○ Provision of Support from Regional Business Partner Network – Funding and linkage to Professional Advisor to help with</li> <li>○ Cashflow forecasting</li> <li>○ Legal Advice</li> <li>○ Personnel Advice - HR</li> <li>○ Pastoral Care (Leader and Manager support)</li> <li>○ Business wind down support</li> <li>○ Critical Conversation support – negotiating payment terms - bank lending and landlord lease negotiations etc</li> <li>○ IT support – working remotely</li> <li>○ Returning to business as usual – next steps to recover</li> </ul> </li> </ul>	<b>\$165,000</b>



	<ul style="list-style-type: none"> <li>Te Waka have engaged a number of partner of agencies in developing this concept including the Hamilton Chamber of Commerce, Hamilton Waikato Tourism, Hamilton Central Business Association and anticipate a joined-up approach to delivering services locally.</li> <li>They have also engaged a professional services network, including PWC, Deloitte, KPMG, and other legal, HR and ICT providers</li> <li>Estimated costs are \$165,000 made up of: <ul style="list-style-type: none"> <li>Development/oversight function – initiative lead up to \$30K (3 months)</li> <li>First responder (phone) staff – qualified staff in our ecosystem that have been put out of work \$50K for 3 months (invoiced monthly and subject to demand/ability to scale)</li> <li>ICT setup and support \$20K</li> <li>Comms/reporting support \$15K</li> <li>Partner professional service and support materials TBC subject to in-kind contribution (up \$50k potentially TBC and not included).</li> <li>Total cost \$165k as an initial pledge to be reviewed after one month to assess impact and if further funds are justified. Funds will only be requested to match actual expenditure and service delivery.</li> </ul> </li> <li>Effective immediately</li> </ul>	
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24. **Phase 2 initiatives:**

25. Phase 2 Initiatives do not require a funding decision at this Council meeting. These are included to provide a holistic picture of the short, medium and long-term initiatives that Council is considering as part of its overall response package.
26. An effective date of July 2020 indicates that most, if not all, funding for these initiatives will impact the 2020/21 financial year rather than the current financial year.
27. Staff are actively working on developing these initiatives and will bring more information back to the appropriate Council or Committee meeting.

	Initiative	Estimated Cost (FY21)
9	<b>Enhancing Council's capital programme</b> <ul style="list-style-type: none"> <li>Council is investigating bringing forward or increasing aspects of its capital programme to stimulate business and employment opportunities in Hamilton.</li> <li>An example of a potential project of significant scale would be the planting of areas and gullies in the Peacocke area. The planting would be consistent with the vision and plans for Peacocke and be in a geographically defined area that would assist in management and delivery of quality outcomes.</li> <li>Such initiatives could utilise existing businesses and providers (either inhouse or commercial). Contracts could be constructed to mandate certain levels of re-employment of workers who had their employment affected by Covid-19.</li> <li>Council could compress timeframes by entering direct negotiations with existing and recognised providers. Contracts could be negotiated quickly for the provision of services in a manner that delivers the social outcomes sought by Council. This would facilitate an approach that may be more effective in delivering social outcomes through an alliance-based approach.</li> <li>Other options for fast-tracking projects that staff are investigating include:</li> </ul>	TBC

	<ul style="list-style-type: none"> <li>○ Cycleway works</li> <li>○ Erosion control works</li> <li>○ Large wastewater reticulation projects</li> <li>○ Various facility / building projects</li> <li>• Each of these projects are at different stages in the lifecycle and may require design, consenting and/or procurement before physical works can occur.</li> <li>• Costs will be dependent on the specific programme sequencing which is yet to be determined. Increased costs may be offset by reduction in other capital expenditure that cannot continue for various reasons.</li> <li>• Effective from July 2020 (indicative)</li> </ul>	
<b>10</b>	<b>Job creation programme and major economic stimulus</b> <ul style="list-style-type: none"> <li>• Council staff, working with government officials, are currently investigating together an economic stimulus package to help reduce social and economic impacts on the city (and wider region), with a particular focus on job creation in the short term, and opportunities to fast-track major infrastructure projects over the medium term.</li> <li>• Discussions with the Government include possible co-funding arrangements.</li> <li>• Details will be released over coming weeks as discussions with the Government progress.</li> <li>• Effective from May 2020 (indicative)</li> </ul>	<b>TBC</b>
<b>11</b>	<b>Business/economic development forum</b> <ul style="list-style-type: none"> <li>• Council will work with the business community and other partners to understand future community needs and the role we can play to rebuild the local economy following the Covid-19 epidemic.</li> <li>• Council is well-placed to help connect a network of people to create and deliver ideas, solutions, initiatives that will help minimise the impact of the Covid-19 virus, help get our economy back running at capacity and help transform Hamilton's economy for a resilient, prosperous future.</li> <li>• The specific nature and make up of this forum are still to be developed</li> <li>• Effective from July 2020 (indicative)</li> </ul>	<b>TBC</b>
<b>12</b>	<b>Future financial relief options</b> <ul style="list-style-type: none"> <li>• Council will review the effectiveness of the short-term targeted relief options it has put in place and consider what medium to long-term initiatives are required to provide further social and economic support.</li> <li>• This may include a continuation of some of the short-term initiatives in place, different rates options for 2020/21, or consideration of new, targeted initiatives.</li> <li>• Effective from July 2020</li> </ul>	<b>TBC</b>

### Options

28. Council may choose to approve all, some or none of the initiatives proposed. Staff recommend approving all of the initiatives.
29. Staff have presented options of \$500,000 or \$1,000,000 for Initiative 2 – 'Social Service funding support'. Staff recommend the higher option of \$1,000,000.

## Financial Considerations

30. The total cost to deliver Phase 1 of the proposed Response Package is \$3,390,000 in 2019/20 (the current financial year). This is unfunded in the Long-term Plan.

Type of Costs	2020 Year			Future Years
	Approved budget	Costs incurred	Unfunded	
<b>Capital Expenditure</b>	\$	\$	\$	\$
<b>Total Capex</b>	\$	\$	\$	\$
<b>Operating Expenditure</b>				
Emergency response	\$0	\$0	\$200,000	\$0
Community welfare package	\$0	\$0	\$1,000,000	\$0
Early payment to suppliers	\$0	\$0	\$0	\$0
Consent relief and refunds	\$0	\$0	\$460,000	\$0
Rent relief	\$0	\$0	\$525,000	\$0
Rates relief	\$0	\$0	\$280,000	\$0
Development Contributions relief	\$0	\$0	\$800,000	\$(800,000)
Business Response Centre	\$0	\$0	\$165,000	\$0
<b>Total Opex</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,430,000</b>	<b>\$(800,000)</b>

## Legal and Policy Considerations

31. This report has been the subject of external legal review. Staff confirm that the recommendations in this report comply with the Council's legal and policy requirements.
32. Initiatives 6 and 7 are inconsistent with the provisions of Council's Rates Remissions and Postponements Policy, and its Development Contributions Policy. However, s80 of the Local Government Act 2002 (LGA) allows Council to make decisions which are inconsistent with existing policies provided Council identifies the inconsistency, the reason for it, and whether it has any intention of amending the policy to accommodate the decision.
33. Initiative 6 is inconsistent with the Rates Remissions and Postponements Policy in that it extends the rates rebate scheme beyond the current policy position in the manner described in detail at paragraph 23, item 6 above.
34. Initiative 7 is inconsistent with the Development Contributions Policy in that offers a deferral of the requirement to pay development contributions which is not available to developers under the current policy position in the manner described in detail at paragraph 23, item 7 above.
35. Council's legal advice is that while these decisions are inconsistent with the existing policy positions, s80 of the LGA does not require that the policies be amended to accommodate the decisions. Accordingly, staff do not recommend taking steps to amend the policies at this time, but that this option be reassessed in the coming months depending on how matters unfold.
36. The advice and explanations contained within this report meet the requirements of s80 of the LGA.

## Wellbeing Considerations

37. 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').
38. 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.
39. The recommendations set out in this report are consistent with that purpose.

## Risks

40. As the Covid-19 epidemic is an unprecedented situation, the financial costs for each initiative are estimates only, based on the assumptions stated. If there is greater uptake of financial relief than assumed, costs will be greater.
41. To mitigate this, staff will monitor costs closely and report to Council as soon as possible and significant variations. Further mitigation is provided by limiting the extent of Phase 1 initiatives to the remainder of the current financial year.

## Significance & Engagement Policy

### Significance

42. 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
43. Given the level of significance, and the urgent nature of the matters being considered, no engagement is required

## Attachments

There are no attachments for this report.

## 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. Rates Penalty Relief - Covid-19 Response	) Good reason to withhold ) information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987 )	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	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)
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