

Time: 9.00am
Date: Tuesday 28 April 2020
Meeting: Audio Visual Meeting

1 PRESENT

Chairperson via Zoom

His Worship the Mayor JB Mylchreest

Members via Zoom

EM Andree-Wiltens [from 9.09am], EH Barnes [from 9.12am], AW Brown, LE Brown, PTJ Coles, RDB Gordon, ML Gower, SC O'Regan, MJ Pettit, EM Stolwyk, CS St Pierre [from 9.08am], BS Thomas, GRP Webber

2 APOLOGIES

RESOLVED

1/20/12

That the apologies for lateness from Councillors for lateness Andree-Wiltens, St Pierre and Barnes be received.

Councillor Gordon/ Councillor Pettit

3 DISCLOSURE OF MEMBERS' INTERESTS

There were no new disclosures.

4 LATE ITEMS

There were no late items.

5 CONFIRMATION OF ORDER OF MEETING

RESOLVED

1/20/13

That the order of the meeting be confirmed.

Councillor Webber/ Councillor Coles

[Councillors St Pierre, Andree-Wiltens and Barnes joined the meeting via Zoom]

6 MINUTES OF PREVIOUS MEETING

RESOLVED

1/20/14

That the open and public excluded minutes of the Waipa District Council Extraordinary meeting held on 7 April 2020 having been circulated, be taken as read and confirmed as a true and correct record of that meeting.

Councillor L Brown/ Councillor Gower

7 DOG CONTROL AGREEMENT BETWEEN WAIPA DISTRICT COUNCIL AND HAMILTON CITY COUNCIL

Hamilton City Council (HCC) had approached Waipa District Council with a request to enter in to an agreement to allow animal control officers to operate in each other's territorial areas, primarily if the need should arise due to the impacts of COVID-19 and the alert levels or any similar future event, but also to assist some business as usual functions.

The Dog Control Act 1996 provides for such an agreement and for warranted officers from one council to be recognised and allowed to operate in the area of another council, although limited to dog control and not in relation to any other animal control management.

Council staff have considered the request and the practical application of such an agreement and also provided a draft agreement to HCC for comment before taking the agreement to Council for authority to enter in to it.

The Act also provides that only Council can authorise such an agreement, it is not a power that can be delegated. Accordingly a resolution is required from both councils which are party to the agreement.

Manager Compliance Karl Tutty presented the report and took questions from Councillors.

RESOLVED

1/20/15

That:

- a) *The 'Animal Control Agreement between Hamilton City and Waipā District Councils' report (document number 10382370) of Karl Tutty, Manager Compliance be received;*
- b) *Council approve entering in to the draft Dog Control Agreement attached to this report (document number 10382966), with Hamilton City Council pursuant to section 16 of the Dog Control Act 1996, to allow for warranted officers from the respective councils to assist in each other's territorial authority areas if required, to be effective on the signing of both parties;*
- c) *Council authorise the Chief Executive to negotiate and agree with Hamilton City Council any amendments to the draft Dog Control Agreement between Waipa District Council and Hamilton City Council and to execute the Agreement on behalf of Council.*

Councillor Stolwyk/ Councillor A Brown

8 REPORT ON THE MARCH 2020 AUDIT AND RISK COMMITTEE MEETING

Council's Audit and Risk Committee met on 9 March 2020.

The report presented by Group Manager Business Support Ken Morris, provided a summary of the key matters discussed and the outcomes of the meeting.

RESOLVED

1/20/16

That the 'Report on the March 2020 Audit and Risk Committee meeting' (document number 10377730), of Ken Morris, Deputy Chief Executive / Group Manager Business Support, be received.

Councillor Gordon/ Councillor St Pierre

9 LOCAL GOVERNMENT FUNDING AGENCY AMENDING DOCUMENTATION

The New Zealand Local Government Funding Agency Limited (LGFA) was established in 2011 to provide access to debt funding for local authorities on more favourable terms than they could secure directly and has proved to be a successful initiative. The Crown is a cornerstone shareholder alongside a number of local authorities including Waipa District Council, that are shareholders and guarantors of the LGFA. The LGFA intends to amend its borrowing programme. The purpose of the proposed amendments, which have been well signalled for some time, are to:

- enable approved council-controlled organisations to borrow directly through the LGFA borrowing programme (on the basis of a guarantee from and/or sufficient uncalled capital issued to the parent local authority);
- allow a local authority to apply to the LGFA to be tested at the group level rather than at the parent level for compliance with LGFA covenants;
- as previously notified by LGFA, increase the amount of borrower notes that must be issued to a local authority when it is borrowing; and
- make certain other minor technical improvements to the borrowing programme (including to facilitate the provision of committed standby borrowing facilities).

These changes were proposed and agreed at the LGFA's 2018 Annual General Meeting (AGM).

To implement the proposed changes, LGFA requires certain documentation to be amended.

The report presented by Ken Morris, Group Manager Business Support, sought authority for this documentation to be signed by two elected members as is required for deeds under the Property Law Act 2007 and for a Guarantee Certificate to be signed by the Chief Executive.

Mr Morris explained that both Simpson Grierson and Russell McVeigh have provided legal advice to the sector.

RESOLVED

1/20/17

That –

- a) *The report titled 'Local Government Funding Agency Amendment to Borrowing Programme' (document number 10384569) of Sarah Davies, Manager Finance be received;*
- b) *The Local Government Funding Agency is making changes to its borrowing programme and has approached Council for agreement to those changes as a party to the original Multi-Issuer Deed, the Guarantee and Indemnity Deed and the Notes Subscription Agreement, and accordingly Council agrees to enter into the terms set out in the following documents:*
- The Local Government Funding Agency Amendment and Restatement Deed (Multi-Issuer Deed) (document number 10384594), attached as Appendix 1 to this report;*
 - The Local Government Funding Agency Amendment and Restatement Deed (Guarantee and Indemnity) (document number 10384597), attached as Appendix 2 to this report;*
 - The Local Government Funding Agency Amendment and Restatement Deed (Notes Subscription Agreement) (document number 10384598), attached as Appendix 3 to this report; and*
- Council authorises two elected members to execute the three Deeds in accordance with the requirements of the Property Law Act 2007; and*
- c) *Council approve the new Local Government Funding Agency Guarantee Certificate (document number 10384614), attached as Appendix 4 to this report, to be signed by the Chief Executive.*

Councillor A Brown/ Councillor Webber

10 RESOLUTION TO EXCLUDE THE PUBLIC

(Section 48, Local Government Official Information and Meetings Act 1987)

RESOLVED

1/20/18

That the public be excluded from the following part of the proceedings of this meeting.

The general subject of the matter to be considered while the public is excluded, the reason for this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1.1 <i>Independent Hearings Commissioners Pool</i> 2.1 <i>Increase in Contract Sum 3MS</i>	<i>Good reason to withhold exists under section 7 Local Government Official Information and Meetings Act 1987</i>	<i>Section 48(1)(a)</i>

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, are as follows:

Item No.	Section	Interest
1.1	Section 7(2)(a)	<i>To protect the privacy of natural persons, including that of deceased natural persons.</i>
2.1	Section 7(2)(i)	<i>To enable the Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i>

Councillor Gower/ Councillor Stolwyk

There being no further business the meeting closed at 9.40am.

CONFIRMED AS A TRUE AND CORRECT RECORD

CHAIRPERSON:

DATE: