

---

Agenda for an extraordinary meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY, 5 MAY 2021** commencing at **1.00pm**.

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

**The meeting will be opened with a karakia**

**1. APOLOGIES AND LEAVE OF ABSENCE**

**2. CONFIRMATION OF STATUS OF AGENDA**

**3. DISCLOSURES OF INTEREST**

**4. REPORTS**

4.1 Revocation of Resolution – Maaori Wards

4

GJ Ion  
**CHIEF EXECUTIVE**

## TERMS OF REFERENCE AND DELEGATION

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

---

### Purpose

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

### Terms of Reference

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

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

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

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

### Open Meeting

<b>To</b>	Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	28 April 2021
<b>Prepared by</b>	Gaylene Kanawa Democracy Team Leader
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	GOV1301
<b>Report Title</b>	Revocation of Resolution regarding Maaori Wards (WDC2011/09) – Part B

## I. EXECUTIVE SUMMARY

---

It is recommended that Council revoke their previous resolution regarding their approach for Maaori wards due to legislative change which prohibits binding council-initiated polls on whether to establish Maaori wards, however they may utilise polls to gauge public sentiment.

This only impacts on the second resolution, made at its meeting held on 2 November 2020 (WDC2011/09 refers) which read as follows:

*“AND THAT the Council does not establish Maaori wards for the 2022 local authority elections, and resolves to undertake a poll of electors in conjunction with the 2022 local authority elections on whether to establish Maaori wards for the 2025 and 2028 elections (Option 3b in the staff report);”*

## 2. RECOMMENDATION

---

**THAT the Waikato District Council resolves, to revoke Part B of Motion WDC2011/09 passed at it’s meeting held on 2 November 2020, which read:**

***“AND THAT the Council does not establish Maaori wards for the 2022 local authority elections, and resolves to undertake a poll of electors in conjunction with the 2022 local authority elections on whether to establish Maaori wards for the 2025 and 2028 elections (Option 3b in the staff report);”***

**AND THAT staff provide a report to the extraordinary meeting scheduled for Thursday, 20 May 2021, presenting options on whether or not to establish Maaori Wards for the Waikato District at the 2022 Local Body Elections.**

### 3. BACKGROUND

---

At the time Council made its decision it was based on the following provisions of the Local Electoral Act 2001, which specifically allowed for the following:

*Māori wards can be established by a Council resolution, or a favourable outcome of a poll of electors. A poll can be demanded by electors or required by a Council resolution.*

*If Māori wards are established (either by Council resolution or as a result of a poll), these must apply for at least the next two triennial elections. Similarly, a poll that results in Māori wards not being supported must also apply for the next two triennial elections.*

Based on that information the Council resolved as follows:

**Resolved: (Crs Smith/McGuire)**

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

**AND THAT the Council does not establish Māori wards for the 2022 local authority elections, and resolves to undertake a poll of electors in conjunction with the 2022 local authority elections on whether to establish Māori wards for the 2025 and 2028 elections (Option 3b in the staff report);**

**AND FURTHER THAT the Council, working with Waikato Tainui and other Waikato local authorities, supports advocating for a change to the Local Electoral Act 2001 to remove the ability to demand or hold a poll on Māori wards;**

**AND FURTHER THAT the Council requests that the Chief Executive, in consultation with His Worship the Mayor, notify iwi and marae within the District, of the Council's decision including the reasons for that decision.**

*For the Motion: Mayor Sanson, Crs Bech, Church, Eyre, Gibb, Henderson, Lynch, Thomson, McGuire, McNally, Smith, Woolerton.*

*Against the Motion: None*

**CARRIED**

**WDC2011/09**

Since these resolutions were passed, there has been a change in the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill, which directly impacts on the Council's decision, as follows:

*To achieve these policy aims, the Bill—*

- *repeals the provisions in the Local Electoral Act 2001 that relate to polls on the establishment of Māori wards and Māori constituencies; and*
- *prohibits binding council-initiated polls on whether to establish Māori wards or Māori constituencies (while retaining the right of councils to initiate non-binding polls to gauge public sentiment); and*
- *establishes a transition period ending on 21 May 2021 in which any local authority may, regardless of any previous decisions or previous poll outcomes, resolve to establish Māori wards or Māori constituencies for the 2022 local elections.*

## 4. DISCUSSION AND ANALYSIS OF OPTIONS

---

### 4.1 DISCUSSION

Council need to revoke their previous resolution regarding their approach for Maaori wards due to legislative change which prohibits binding council-initiated polls on whether to establish Maaori wards, however they may utilise polls to gauge public sentiment.

This is actually in line with their third resolution that day, which advocated for change towards polls and in particular, the binding outcome of those polls.

Once the resolution has been revoked staff will undertake some work as part of the Representational Review project to provide options in regard to the establishment of Maori Wards. This decision needs to be made by Friday, 21 May 2021 and in light of that staff have scheduled an extraordinary Council meeting for Thursday, 20 May 2021 to consider the options available and whether or not to establish Maaori Wards.

### 4.2 OPTIONS

Due to the legislative change there is really only one option in regard to revoking the previous decision. However, at the extraordinary meeting scheduled for Thursday, 20 May 2021 they will still have the option of whether or not they will establish Maaori Wards and staff will prepare a report providing the various options available.

## 5. CONSIDERATION

---

### 5.1 FINANCIAL

Nil.

### 5.2 LEGAL

Nil.

### 5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The conference is likely to provide good insight into best practice in New Zealand and overseas. It is of benefit to Councillors and the community at large.

### 5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

<b>Highest levels of engagement</b>	<b>Inform</b> <input type="checkbox"/>	<b>Consult</b> <input type="checkbox"/>	<b>Involve</b> <input checked="" type="checkbox"/>	<b>Collaborate</b> <input checked="" type="checkbox"/>	<b>Empower</b> <input type="checkbox"/>
-------------------------------------	---	--	---	---	--

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		✓	Internal
			Community Boards/Community Committees
✓			Waikato-Tainui/Local iwi
			Households
			Business
✓			Other Please Specify

Discussions have been ongoing between Waikato-Tainui and other Local Iwi in regard to this matter and will continue to occur throughout the process.

## **6. CONCLUSION**

---

This report seeks Council's decision on the revocation of Part B of Resolution (WDC2011/09).

## **7. ATTACHMENTS**

---

Nil