

Minutes of a meeting of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY, 24 JUNE 2020** commencing at **9.30am**.

Present:

His Worship the Mayor, Mr AM Sanson (Chairperson)
Cr AD Bech [*from 9.32am*]
Cr JA Church
Cr CA Eyre
Cr JM Gibb
Cr SL Henderson [*until 11.40am*]
Cr SD Lynch [*from 9.38am*]
Cr RC McGuire
Cr FM McInally
Cr EM Patterson
Cr NMD Smith
Cr LR Thomson
Cr CT Woolerton

Attending:

Ms D Lovell (Chair, Taupiri Community Board)

Mr GJ Ion (Chief Executive)
Mr TG Whittaker (Chief Operating Officer)
Mr R MacCulloch (General Manager Service Delivery)
Mr J Quinn (Communications, Engagement and Marketing Manager)
Mr C Bailey (Finance Manager)
Ms S Jones (Senior Solicitor)
Mr B Stringer (Democracy Manager)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Church/Thomson)

THAT an apology be received from Cr Sedgwick;

AND THAT an apology for lateness be received from Cr Bech and Cr Lynch.

CARRIED

WDC2006/08

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Patterson/McInally)

THAT the agenda for a meeting of the Waikato District Council held on Wednesday, 24 June 2020 be confirmed and all items therein be considered in open meeting with the exception of those items detailed at agenda item 7 which shall be considered with the public excluded;

AND THAT the Council resolves that the following item be considered as part of the Chief Executive's Issues (Public Excluded Agenda Item 3):

- *Presentation from Sports Waikato.*

CARRIED

WDC2006/09

Cr Bech joined the meeting at 9.32am during the above item and took part in voting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

CONFIRMATION OF MINUTES

Resolved: (Crs Gibb/Henderson)

THAT the minutes of:

- a meeting of Waikato District Council held on Tuesday, 19 May 2020; and
- an extraordinary meeting of Waikato District Council held on Tuesday, 9 June 2020,

be confirmed as a true and correct record of each respective meeting, subject to the following correction to the minutes of Tuesday, 19 May 2020:

- Cr Smith was not absent during that meeting.

CARRIED

WDC2006/10

ACTION REGISTER

Agenda Item 5

The Democracy Manager explained that actions would be removed from the register once completed.

Resolved: (Crs Church/Henderson)

THAT the report from the Chief Executive be received.

CARRIED

WDC2006/11

REPORTS

Local Government Funding Agency Changes to Foundation Policies

Agenda Item 6.1

The Chief Operating Officer introduced the report and summarised the history of the Council's involvement with the Local Government Funding Agency (**LGFA**). He highlighted, and responded to questions on, the following matters:

- The purpose of the documents presented for approval was to allow CCOs to borrow directly from the LGFA, rather than via the Council.
- The Council was not a shareholder of LGFA.
- Why Council was required to enter the Guarantee and Indemnity. If a CCO defaulted, the associated Council would need to call on capital to remedy the default.
- The purpose and effect of the Borrower Notes.
- The Council's obligations as a Guaranteeing Local Authority to ensure the LGFA can meet its obligations.
- LGFA met regularly with councils to monitor their financial position.
- CCOs would borrow in accordance with their own financial planning.
- Council's debt position would not increase under proposed changes; CCOs would simply be able to borrow directly and the Council would guarantee that borrowing.

ACTION: Staff to recommend to LGFA that there be a process documented if a member council does not approve a requested amendment to another council's arrangements with LGFA.

- CCOs financial proposals would be included in their statements of intent, which were presented to the Council for approval.

ACTION: Staff to confirm what "non-exclusivity of New Zealand courts" and "material adverse effect", as referred to in the contractual documents, practically mean.

Resolved: (Crs McNally/Gibb)

THAT the report from the Chief Financial Officer be received;

AND THAT the Council approve the LGFA Deeds of Amendment, the Multi-Issuer Deed, Guarantee and Indemnity and Notes Subscription Agreement (as set out in the attachments to the staff report);

AND FURTHER THAT the Council delegates authority to the Mayor and Deputy Mayor to enter into the LGFA Deeds of Amendment, the Multi-Issuer Deed, Guarantee and Indemnity and Notes Subscription Agreement (as set out in the attachments to the staff report);

AND FURTHER THAT the Council delegates authority to the Chief Executive to enter into applicable form of section 118 certificate (as set out in the attachments to the staff report).

CARRIED

WDC2006/12

Cr Lynch joined the meeting at 9.38am at the commencement of the above item.

EXCLUSION OF THE PUBLIC

Agenda Item 7

Resolved: (Crs Eyre/Woolerton)

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

| General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under section 48(1) for the passing of this resolution |
|--|---|--|
| 1.1 – Confirmation of Minutes | Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987 | Section 48(1)(a) |
| 2.1 - Waikato Freight Hub – Invoice Payment to Ports of Auckland Ltd | | |

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

| Item No. | Section | Interest |
|----------|-------------|---|
| 1.1 | | Refer to the previous Public Excluded reason(s) in the Agenda for this meeting. |
| 2.1 | 7(2)(b)(i) | To protect information where the making available of the information would disclose a trade secret. |
| | 7(2)(b)(ii) | To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. |
| | 7(2)(g) | To maintain legal professional privilege. |
| | 7(2)(h) | To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities. |
| | 7(2)(i) | To enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). |

AND THAT Matthew Cooper, Amy Marfell and Andrew Corkill (from Sports Waikato) be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of Sports Waikato (to be considered as part of the Chief Executive’s Issues – Public Excluded Agenda Item 3. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that presentation to be provided by Sports Waikato.

CARRIED

WDC2006/13

Resolutions WDC2006/14 – WDC2006/16 are contained in the public excluded section of these minutes.

Having concluded the public excluded meeting the following items were released into open meeting:

