

MEMORANDUM OF UNDERSTANDING

between

HOROWHENUA DISTRICT COUNCIL

and

THE DUTCH CONNECTION MUSEUM TRUST

on the

Dutch Connection - Museum Centre Project

September 2008



**HOROWHENUA
DISTRICT
COUNCIL**

THE DUTCH CONNECTION
Museum of Aspirations and Achievement 

Parties

1. The parties to this Memorandum of Understanding (Memorandum) are the Horowhenua District Council (“the Council”) and the Dutch Connection Museum Trust (“the Trust”).
2. The Trust is an independent not-for-profit organisation established in 2005.

Shared Vision

3. The Trust’s vision is to: “Share, with pride, the inspirational stories about the many lively connections between Nederlanders and New Zealanders, to create a greater awareness and deeper understanding of our common past, present and future.”

The Trust’s mission is to: “Create an attraction that is financially sustainable because it can exhilarate visitors through displays, exhibitions, activities, exchanges, entertainment and research – in a manner that inspires enhanced collaboration and interaction between New Zealanders and Nederlanders and our two countries.”

4. The Trust’s strategic goals are to:
 - a. Create a Museum Centre that is appealing to a wide range of visitors from different ethnic backgrounds and age groups
 - b. Establish a high quality, dynamic and thriving centre that proves its potential to be financially self-sufficient and sustainable, as it starts out on a modest scale and expands organically over time
 - c. Organise and curate innovative displays, exhibitions, activities, events, exchanges, entertainment and research that have a positive influence on perceptions about the Dutch presence in New Zealand, migration issues and the benefits of future collaboration between two nations - enhancing learning and understanding about these topics
 - d. Unite Dutch community groups and organisations in support of the Museum Centre, by instilling a sense of national identity into the Dutch Connection and by providing Nederlanders with facilities that offer networking, participation, research and advocacy opportunities
 - e. Encourage the exchange of displays, ideas and individuals between the Netherlands and Aotearoa / New Zealand to strengthen existing connections and forge new ones

National Context

5. Museums are an important educational, cultural and recreational resource. As per the Strategy for the Museum Sector in New Zealand: “Museums help people understand their world by using objects, ideas and art to interpret the past and present, and to explore the possible future.” (Museums Aotearoa, 2005)

Museums are places where New Zealanders and visitors identify, learn about and celebrate our national identity and its formation. They are centres of learning that contribute long term value to communities by contributing to our social, economic and cultural well-being and development.

The Museum Sector Strategy also states how museums have a key role to play in the debate about the nature of our bi-cultural society and its other multi-cultural influences, and in exploring and evaluating those influences and the nature of our society.

As kaitiaki (beschermers / guardians), they preserve and research collections of art, objects and information on behalf of communities, hold them in Trust and make them accessible to society.

The modern approach for museums is for them to provide civic and community spaces - gathering places for people to meet and spend time with families and friends and others. They are increasingly a meeting ground for communities, and the latest developments in museum buildings provide spaces that are open, transparent and accessible to visitors and to the communities of which they are part.

“Museums are places where communities come together to explore their cultural and artistic heritage, to discuss topics of current interest, or simply to pursue leisure or entertainment activity. *They are shared community spaces.*” (Strategy for the Museum Sector in New Zealand, Museums Aotearoa, 2005)

Strategic Context

6. The Horowhenua District Council has under its Strategic Plan compiled in 2001 been charged with addressing four (4) key strategic issues, namely:
- Community Structure
 - Population Growth
 - Physical Environment
 - Essential Services.

Goals that are relevant to this Memorandum of Understanding and its relationship to the Foxton Community and surrounding area are:

Community Structure (3.1 of Strategic Plan)

Council recognises the ethnicity of the Horowhenua District, acknowledging the special role that Maori has within our community. It is also aware of the other ethnic groups that represent our population and the diversity of cultures that reside, work and play within the many townships that make up the District.

The Dutch community is well represented within the Horowhenua, with Dutch families resident in Levin and Foxton providing employment and services district wide.

District Identity (4.2 of Strategic Plan)

The Council's goal under District Identity has been to present a positive district identity; locally, regionally and nationally, as well as inspiring pride and confidence within the District that is equally shared by local residents.

Part of the goal has been to identify features that reflect a community or strengthen existing character, engendering pride and confidence within its residents.

The Foxton Windmill (De Molen) has become an icon of our District reflecting the Dutch heritage and more importantly the Dutch connection with our District, and in particular Foxton.

It is a further goal to communicate such strengths and achievements to external audiences and to develop further this character/identity.

Community Leadership and Development (4.3 of Strategic Plan)

In addition to promoting pride within the District, Council is charged with working with both arts and cultural groups with the aim of supporting them in reaching their own creative goals. It is equally responsible for developing new initiatives for and with the community.

Within Council's Long Term Council Community Plan (LTCCP), a series of community outcomes have been laid down addressing a broad range of community concerns/issues. Culture has been identified as one of the eight community outcomes.

Council has identified that 'Culture' is where all people of a community share a strong local heritage and equally identify and value cultural diversity and development.

Within its LTCCP Council has given strong emphasis to Cultural issues as being equally important to our District's growth and development as the other seven community outcomes.

Objectives

7. The objectives of this Memorandum are to:
 - 7.1 Formalise the relationship between the two parties so that their respective planned development projects in central Foxton are better aligned and integrated, and can result in additional synergies
 - 7.2 Outline the responsibilities of each party, as agreed between the parties.
 - 7.3 Establish the initiatives and timeframes for actions, as agreed between the parties (see appendix).
 - 7.4 Enable effective joint management of specific initiatives or actions, if and when required.

- 7.5 Build a sustainable partnership that enables the Dutch Connection Museum Centre project to progress efficiently and effectively at every level.
- 7.6 Develop a communication mechanism in each organisation for all business to work through on the Museum Centre project. Specifically this includes clear, accurate and timely decision making processes within the respective organisations.
- 7.7 Facilitate the achievement of each organisation's strategic objectives relating to these projects.
- 7.8 Facilitate access to funding sources and other forms of assistance.

Scope

8. The parties have agreed to this Memorandum in recognition of the areas of mutual interest and it will cover the current projects between the parties. This Memorandum will assist in the identification and joint management of areas of interface between the parties.
9. This Memorandum is not legally binding and does not create legal relations between the parties, but the parties have a mutual interest in the purpose of this Memorandum.

Principles

10. The principles underlying the operation of this Memorandum are:
 - 10.1 This Memorandum recognises and protects each party's ability to carry out any of their duties consistent with their policies, statutory obligations and other legal obligations.
 - 10.2 The parties acknowledge the importance of keeping each other informed and a policy of "no surprises" will operate among the parties. Each party expects to be informed of issues as they arise and be forewarned as early as practicable of any proposals, media releases or written documentation being developed that may affect them,
 - 10.3 The parties agree to make best endeavours to inform each other before making any statements to the public or the media, or releasing any information under the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987 that relate to this Memorandum or to any activities of the parties that are relevant to this Memorandum.
 - 10.4 It is recognised that each party has particular decision-making processes and systems that must be adhered to and that there may be constraints, variations and differences in the meeting of responsibilities from time to time.
 - 10.5 The Trust and the Council will approach matters of mutual interest without prejudice and respect each other's strategic and operating environment in pursuit of their objectives both at strategic and operating levels.
 - 10.6 The parties agree to undertake joint presentations when required / desirable to convey collaboration not just through words but by action.

Project

11. The project pursuant to this Memorandum includes:

- (a) The establishment and operation of the Dutch Connection Museum Centre, as close as possible to the 17th century replica windmill De Molen (located on Main Street, Foxton).

Roles & Responsibility

12. The roles and responsibilities of the Horowhenua District Council and Museum Trust under this Memorandum are:

Joint Partnership

- 12.1 The Dutch Connection Museum Trust (“the Trust”) acknowledges that its primary role is to realise the Museum Centre project, as per the mandate it has been given by the wider Dutch community through the Federation of Netherlands Societies. As such, it will manage the project to the best of its abilities until completion, and will continue to manage and enhance the Museum Centre operations after its opening.
- 12.2 The Horowhenua District Council (“the Council”) acknowledges its role as a service provider and facilitator in furthering social outcomes under its Long Term Council Community Plan (“LTCCP”). As such, the Council will cooperate with the Museum Trust to provide services in those areas where it can provide the greatest assistance according to its capabilities and mandate.
- 12.3 The Council is acknowledged as being a key partner in the project and has identified a number of primary functions it will perform as a key stakeholder.
- a. Through its strategic interest in transforming Foxton into a visitor destination, to have a strategic town plan drafted covering current attractions and land areas available for further development of tourism / community facilities, so that they are aligned and can leverage and support one another through attracting visitors who will experience a logical and stimulating flow from one facility to the other
 - b. Provide an evaluation in consultation with the Trust, of sites suitable to accommodate the Dutch Connection Museum Centre, as close as possible to De Molen alongside the other existing tourism attractions and newly planned facilities, and finalise this process within the last six months of 2008
 - c. To consider leasing a suitable site on affordable terms if any site is available from its Strategic Land Bank to the Trust under a lease, which is large enough to cater for the Trust's existing and potential requirements, and as close as possible to De Molen, within a timeframe that is acceptable to the Dutch community but preferably in the first six months of 2009
 - d. Should the Trust's preferred site for the Dutch Connection Museum Centre be land held in the Council's strategic land bank, the Council through its appointed representative will liaise with the Trust to prepare

a proposal for the Foxton Community Board and Council to lease this site at an affordable rate and on a long-term basis

- e. To assist with the development of the new Museum Centre, by providing advice on: resource consent, infrastructure works and site development matters, at no additional cost to Council
- f. To assist or facilitate the process to apply for funding from various local and national funding organisations
- g. To facilitate obtaining Government support for the project through the two local MPs and other possible means

12.4 The Trust, as a key stakeholder, will offer the Council the opportunity for feedback and input into the preliminary, more detailed and final design phases of the project, to ensure alignment with strategic town plan goals and so that due attention can be given to public expectations / responses. Any disagreement will be dealt with “in-house” without cause for public comment being made by either party, or unnecessary delays resulting in advancing progress.

Project Collaboration

12.5 The Trust and the Council have a common interest in jointly optimising the planning process and outcomes of several projects that are under way in Foxton, related to the long term tourism-related strategy for the township. These include:

- a. Enhancing the capability of De Molen to attract even higher visitor numbers into Foxton township and the region
- b. Encouraging more travellers along Highway 1 to make a detour into Foxton's Main Street, through signage and town planning strategies to maximise the visibility of De Molen
- c. Purchasing by Council of strategic town centre property or properties, for either: recreational purposes, or as a potential leased location for the Dutch Connection Museum Centre, or for other future developments
- d. Optimising the use of space along Main Street and around De Molen to design multi-faceted, attractive visitor experiences that are both functional and entertaining - so that higher numbers of visitors are tempted to spend more time and money during a stop-over in the town
- e. Developing and enhancing the area around De Molen to create a logical flow for visitors from one facility to the other with:
 - i. As primary destinations: a Tourist Information desk or centre, De Molen, the Dutch Connection Museum Centre, and the current Café;
 - ii. As secondary destinations: the Flax Museum, the Maori Art building, the trolley bus, and the horse drawn tram
 - iii. The Library / Community Centre
- f. Aligning the two major multi-million dollar building projects that are planned for the area in the immediate future:
 - i. The Library / Community Centre, featuring an information gateway which can also provide information about the town and the region to visitors
 - ii. The Dutch Connection Museum Centre

- g. Creating synergies for the two major projects by:
- i) Aligning and/or integrating the buildings visually so that neither building detracts from the other and that both facilities reflect Foxton's cultural heritage
 - ii) Aligning and/or integrating the functions of each initiative by exploring ways in which operational costs can be reduced through collaboration of services and/or promotional budgets.
 - iii) Aligning development and construction schedules where feasible to reduce disruption and attract economies through contractual arrangements.

Public Consultation

- 12.6 The Trust will as part of its brief and plans in the development of a Museum Centre, carry out a consultation process to incorporate views of the Dutch Community into the project and the services to be delivered. Key outcomes that have been gathered as part of the public consultative process are to be provided to the Council for both comment and appraisal of the views expressed.
- 12.7 The Council will as part of its brief in the development of a Community Centre, incorporating the Library upgrade and expansion, carry out public consultation over the 2007/08 and 2008/09 years to gain public views on library or other services to be delivered. Key outcomes that have been gathered as part of the public consultative process are to be provided to the Trust for both comment and appraisal of the views expressed.
- 12.8 The Trust and the Council, through its appointed officers, will make available the results of the consultative process to one another before releasing information to the general public.
- 12.9 Any media comment on the extent of the Project or any phase will be made through the nominated representatives.

Project Management

- 12.10 The Trust will be responsible for the overall management of the project through the engagement of either existing staff or outside contracted personnel. This may entail the engagement of a project manager and/or other representative to work with the approved contractors to the design and construction phases. The appointee/appointees will report directly to the Trust as part of their brief. Regular updates on the project's progress on key milestones and deliverables will be reported to the Council. Update reports will be made available on a regular basis, or earlier if circumstances dictate.
- 12.11 The Trust through its appointed representative will liaise with the Council and its appointed design services provider / consultant on both the preliminary and detailed design phases on an as-needed basis and take into account its advice and feedback.
- 12.12 The Trust will formally approve the Detailed Design Drawings.

- 12.13 The Trust will be solely responsible for the preparation of documentation for the design services tender and will assess and determine tenders received as against the design brief. The engagement of the preferred design services provider will be made by the Trust following appraisal of tenders and any subsequent investigations made as to work history / experience / costs / synergies with the project. The Trust will discuss the tender report with the Council and request input, with the final decision resting with the Trust.
- 12.14 The Trust will be responsible for the entire consents stage of the project, with the responsible representative working closely with Council officers (or outside consultants) to get their advice and input into the preparation and lodgement of the necessary documentation relating to the building's construction.
- 12.15 The Trust will be responsible for the preparation of the construction tender documentation and phasing of the project.

Location Attribution and Lease

- 12.16 The Council through its appointed representative will liaise with the Trust and seek input from the Trust during the strategic town planning phase to evaluate suitable sites for the Dutch Connection Museum Centre in relation to De Molen and other existing attractions.
- 12.17 Should the Trust's preferred site for the Dutch Connection Museum Centre be land held in the Council's strategic land bank, the Council through its appointed representative will liaise with the Trust to prepare a proposal for the Foxton Community Board and Council to lease this site at an affordable rate and on a long-term basis.

Infrastructure Development

- 12.18 To assist with the development of the new Museum Centre, by providing advice and/or assistance with resource consent, infrastructure works and site development

Fund Raising

- 12.19 The Trust will be responsible for fund raising for the Museum Centre project.
- 12.20 The Council through its appointed representative will assist or facilitate the process to apply for funding from various local and national funding resources
- 12.21 The Trust will regularly update the Council with progress made on fund-raising for the project. It is noted that delays in securing funding towards the project may delay its advancement. If the Trust is unable to obtain the required funding for the project from its funding sources, the Trust and the Council will review options for the project continuance and the Council reserves the right to annul the land lease arrangements for the Museum Centre, but only after extensive consultation with the Trust.
- 12.22 The Trust will establish a "Museum Building Fund" account and shall hold authority for the expenditure through not less than two signatories who shall be Museum Trustees.

General

- 12.23 No direct contact shall be made by any member of the Council or its staff with the project management officer/consultant/client representative during any of the preliminary or detailed design stages without prior consent of the Trust or its Chairperson.
- 12.24 Both parties will respond to any request made for comment on, or response to information provided, in an appropriate manner so as not to impact on the progress of the staged advancement of the project.

Confidentiality

- 12.25 The Trust and Council will consider any information relating to negotiations for the site and construction of the Dutch Connection Museum Centre to be commercially sensitive, and therefore subject to the provisions of the LGOIMA.
- 12.26 The Council will observe the provisions of the LGOIMA, and that any matters which are commercially sensitive will be considered "in-committee".

Working Relationship

13. The parties agree to meet regularly (or as required) at senior management and Trustee levels to:
- 13.1 Ensure that both parties are proactively informed of issues and opportunities and other information pertaining to the projects.
- 13.2 Review and monitor the progress of the project currently underway.
- 13.3 Appoint working groups of officials representing both parties to ensure the management of the joint initiative.
14. Formal communications between the parties will be made through the primary contact persons listed below. The primary contact persons may nominate other representatives to manage communications in order to avoid "bottlenecks" and progress the relationship.
15. The parties recognise that the Privacy Act applies to personal information that is held about individuals and no personal information will be shared other than in terms of the Privacy Act.
16. The parties recognise the requirements of the Local Government Official Information and Meetings Act (LGOIMA) and the Official Information Act (OIA) and commit to the facilitation of information requests as they are received by the respective organisations.

Implementation

17. It is agreed that the parties will pursue the implementation of this Memorandum jointly and through their own organisations.

Dispute Resolution

18. The parties will endeavour to work cooperatively and be flexible in developing solutions to issues.
19. Should a dispute or difference of opinion between the parties arise, the parties shall endeavour to resolve the dispute at a Senior Manager level. If the dispute is not resolved within a reasonable timeframe, then the dispute shall be resolved by agreement between the Chief Executive Officer Horowhenua District Council and Chairperson of the Dutch Connection Museum Trust, and may utilise a mediation process chaired by the Chairman of the Local Law Society or arbitration as prescribed under the Arbitration Act.

Review, Termination and Expiration of the Memorandum

20. The parties agree to review this Memorandum of Understanding after the first twelve (12) months of operation and assess its effectiveness.
21. This Memorandum will expire at the end of five (5) years from the date that it is signed, unless the parties agree in writing to extend this Memorandum beyond that date.
22. Termination or expiry of this Memorandum will not terminate any sub-agreement regarding a particular project or initiative attached to this Memorandum, unless agreed to by the parties.

Primary Contacts

23. The primary contacts are:

David Clapperton
Strategic & Corporate Services Manager
Horowhenua District Council

Arjan van der Boon
Chairperson
Dutch Connection Museum Trust

Alternate: Hester den Ouden
Trustee
Dutch Connection Museum Trust

SIGNED:

DATE:

.....
Arjan van der Boon
Chairperson
Dutch Connection Museum Trust

.....
Basil Vertongen
Chairman
Foxton Community Board
Horowhenua District Council

.....
David Ward
Chief Executive Officer
Horowhenua District Council