



Agenda

**Notice is hereby given of
an Extraordinary Council Meeting**

Tuesday 24 March 2020

Commencing at 9.00am

Council Chamber
Waimate District Council
125 Queen Street
Waimate

www.waimatedc.govt.nz

Notice is hereby given that a meeting of the Council will be held in the Council Chamber, Waimate District Council, 125 Queen Street, Waimate, on Tuesday 24 March 2020, commencing at 9.00am.

Elected Members

Craig Rowley	Chairperson
Sharyn Cain	Deputy Chairperson
Fabia Fox	Councillor
Sandy McAlwee	Councillor
Miriam Morton	Councillor
Tom O'Connor	Councillor
David Owen	Councillor
Colin Pankhurst	Councillor
Sheila Paul	Councillor

Quorum – no less than five members

Significance Consideration

Evaluation: Council officers, in preparing these reports have had regard to Council's Significance and Engagement Policy. Council and Committee members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless Council or Committee explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.

Decision Making

The Council, in considering each matter, must be:

- i. Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decision;
- ii. Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.

Stuart Duncan
Chief Executive

Order Of Business

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OPENING**1 COUNCIL PRAYER****2 PUBLIC FORUM****3 APOLOGIES**

The Chair will call for any apologies.

4 VISITORS**5 CONFLICTS OF INTEREST**

As per the Local Authorities (Members' Interests) Act 1968 (as below), the Chair will enquire if there are any Conflicts of Interest to be declared on any item on the agenda, and if so, for any member to declare this interest.

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

6 IDENTIFICATION OF MAJOR (URGENT) OR MINOR ITEMS NOT ON THE AGENDA

1. The Chair will call for any major (urgent business) or minor items not on the agenda to be raised according to Standing Orders, as below:

a. Standing Orders 3.7.5 – Major Items

An item not on the agenda for a meeting may be dealt with at the meeting if the local authority by resolution so decides, and the presiding member explains at the meeting at a time when it is open to the public –

- i. The reason why the item was not listed on the agenda; and
- ii. The reason why discussion of the item cannot be delayed until a subsequent meeting.

b. Standing Orders 3.7.6 – Minor Items

An item not on the agenda for a meeting may be dealt with at the meeting if –

- i. That item is a minor matter relating to the general business of the local authority; and
- ii. The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- iii. No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

REPORTS**7 GENERAL REPORTS****7.1 ESTABLISHMENT OF WAIMATE DISTRICT COUNCIL EMERGENCY COMMITTEE**

Author: Carolyn Johns, Community and Strategy Group Manager

Authoriser: Stuart Duncan, Chief Executive

Attachments: 1. Emergency Meeting - Terms of Reference [↓](#) 

PURPOSE

1. To present Council with a proposal to establish an Emergency Committee and to amend Delegations Policy accordingly, to ensure Council is able to maintain all appropriate and necessary decision-making ability in light of the rapidly evolving COVID-19 situation.

RECOMMENDATION

That Council:

1. Either - Establishes an Emergency Committee with a membership of four, consisting of the Mayor, the Deputy Mayor, and two Councillors.
2. Agrees the Emergency Committee require a quorum of two members; and
3. Adopts the Emergency Committee's Terms of Reference; and
4. For the purposes of the COVID-19 emergency, delegates to the Mayor, or in the Mayor's absence, the Deputy Mayor, the authority to activate the Emergency Committee, and by resolution of the Emergency Committee, suspend all other committees of Council; and
5. For the purposes of the COVID-19, approves the Chief Executive's financial delegations be set at \$500,000 per transaction to allow for any unanticipated urgent expenditure. Any such unanticipated expenditure is to be reported back to the Emergency Committee; and
6. Delegates the authority and powers of the Chief Executive to Group Manager Asset, or Group Manager Corporate Service, or Group Manager Community and Strategy, in the event that the Chief Executive is unable to fulfil his duties due to COVID-19; and
7. Agrees where the delegated Acting Chief Executive is unable to fulfil such duties due to COVID-19, the Chief Executive's delegated authority and powers will deescalate to the next designated General Manager:
 - (a) Group Manager Assets, or
 - (b) General Manager Corporate Services, or
 - (c) General Manager Community and Strategy
8. Approves all necessary amendments to the Waimate District Council Delegations Manual to reflect the resolutions of Council on the delegations and meeting arrangements for COVID-19.

ASSESSMENT OF SIGNIFICANCE

1. The proposal to establish an Emergency Committee and to extend the Chief Executive's emergency financial delegations are considered of low significance in accordance with Council's Significance and Engagement Policy. Some decisions which may be made by the proposed Emergency Committee, and the Chief Executive under delegated authority may be of higher significance. If such instances arise, Council will work to ensure appropriate consideration is given to the Significance and Engagement Policy, while recognising Council's ability to make timely decisions is essential in this rapidly evolving situation.

BACKGROUND

2. As the COVID-19 situation continues to evolve and now escalated to level 4, Council's approach is to focus on the health and wellbeing of our community and Council employees, and to take an informed approach that is sensible, balanced and evidence based. Council is ensuring this approach is based on the expert medical advice of the Ministry of Health (MoH) and as directed by the Prime Minister.
3. This balanced approach aims to take into account the health and wellbeing impacts of COVID-19 itself, and the secondary consequences of any response taken by Council. This includes impacts on our national and local health system and the ability to provide care to those that need it, minimising disruption of our key functional services to our community, and the potentially damaging economic and social impacts on our community.
4. Council's Emergency Management Team has reviewed and updated our Pandemic Plan. This is a high-level document which guides how Council will respond to pandemics and is aligned to the alert levels provided by the MoH. It is designed to be flexible to meet rapidly evolving situations, like that which we are currently facing with COVID-19.

DISCUSSION

5. In this challenging, and rapidly evolving situation, it is essential that Council is able to respond in a timely manner that is compliant with existing legislation on meeting and decision-making requirements, and Council's financial and operational delegations.
6. While the LGA and Standing Orders allow for members to attend meetings, and vote via audio/visual link, the clause 25A, schedule 7 of the LGA states that "a member of the local authority who is not physically present at the meeting is not to be counted as present for the purposes of clause 23 (detailed above)".
7. For the purposes of current meetings of Waimate District Council, a Council business may not be transacted unless the meeting is constituted of a quorum of five members who are physically present. The quorum requirements are the same for Council Standing Committees.
8. As the situation evolves, and the national COVID-19 Alert Levels change, it may become increasingly difficult, or impossible for Council to have a quorum at meetings, and therefore to undertake an essential business that may arise.
9. The Department of Internal Affairs, Local Government New Zealand, the Society of Local Government Managers and the National Emergency Management Agency have established a Central/Local Government COVID-19 Response Unit. Council has been advised that this unit is canvassing and working through the immediate and longer-term challenges COVID-19 poses for the local government sector and will provide support for councils. The Unit has a dedicated workstream to ensure local government can continue to make decisions and meet legislative requirements.

10. However, in the immediate absence of any changes to quorum requirements in the LGA, the Unit has advised local authorities that the establishment of Emergency Committees is a useful framework to facilitate ongoing governance and decision-making capabilities.
11. This report recommends the establishment of an Emergency Committee in line with this advice. There are a number of other recommendations, including increasing the financial delegation to the Chief Executive, to ensure Council's decision-making capabilities are appropriate and responsive to the changing situation.

Establishing an Emergency Committee

12. Emergency, or Executive Committees have been established by local authorities in New Zealand and internationally, often to respond to specific local emergencies, where emergency legislation is enacted or to undertake Council business where the urgency of the matters precludes a full meeting of Council.
13. To prepare for the event of further national and local restrictions in response to COVID-19, it is advisable that an Emergency Committee be established to ensure decisions can be made as quickly as possible where required.
14. The draft Terms of Reference (attached) for the proposed committee have been modelled on various councils across New Zealand, and with full consideration to the current legislative requirements.
15. In the interest of effective and timely decision making, it is proposed the membership consists of four: the Mayor, the Deputy Mayor, and two Councillors.
16. The draft Terms of Reference state that the Committee will be activated by resolution of Council for specific events. or where resolution by Council is not possible, on the joint authority of the Mayor and or in the absence of the Mayor the Deputy Mayor.
17. It is recommended that the Emergency Committee be delegated all powers currently held by Council, and Standing Committees that cannot be exercised by Council using its standard processes and procedures due to COVID-19, except for those that have been delegated to staff, or cannot be delegated pursuant to clause 32, schedule 7 of the LGA, or pursuant to any other legislation.¹
18. In accordance with clause 32, schedule 7 of the LGA the Emergency Committee will not have delegated authority to:
 - a. Make a rate; or
 - b. Make a bylaw; or
 - c. Borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan;
 - d. Adopt a Long Term Plan, Annual Plan or Annual Report; or
 - e. Appoint a Chief Executive; or
 - f. Adopt policies required to be adopted or consulted on under the LGA in association with the Long Term Plan, or developed for the purpose of the local governance statement; or
 - g. Adopt a remuneration and employment policy.
19. Where an Emergency Meeting has been called all Councillors will be notified of the details by email. Agendas and Minutes of the Emergency Meeting will also be circulated to Councillors and made available to the public in accordance with the Local Government Official Information and Meetings Act (LGOIMA), and amended Standing Orders as detailed above.

¹ Clause 32, schedule 7, LGA details the explicit

20. After the event for which the Emergency Committee has been called, or at appropriate times if possible during the event, Council will receive a report summarising the Committee's activity and any decisions made over the period.
21. When considered appropriate, the Emergency Committee will recommend to Council that the Committee be deactivated and the Chief Executive's emergency financial delegations be removed.

Chief Executive's Emergency Financial Delegations

22. Due to being in COVID-19 level 4 nation lockdown as at 25 March, a situation may arise where payment or procurement of unexpected work or the purchase of goods may be required. Council's approval is therefore sought to ensure appropriate financial delegations are in place to enable the Chief Executive to respond immediately during these unprecedented times.
23. Any such expenditure will be communicated to the Mayor and reported formally through the Emergency Committee.

Acting Chief Executive Delegations

24. In the event that the Chief Executive is unable to undertake his responsibilities due to COVID-19, Council is asked to approve the recommended following delegation chain among the Group Managers. The recommendation suggests a deescalating hierarchy in the event of the Acting Chief Executive becoming unwell and unavailable to undertake delegated duties.
 - a. Group Manager Asset
 - b. Group Manager Corporate Services
 - c. Group Manager Community and Strategy

OPTIONS AND PREFERRED OPTION

25. Option One: Establish an Emergency Committee as detailed above, in accordance with the proposed Terms of Reference, and extend the Chief Executive's emergency financial delegations (preferred option). This option will allow for all essential Council business to continue to be transacted in the event that further restriction, enforced in response to COVID-19, making a quorum impossible for Council Meetings.
26. Option Two: Status Quo - Do not establish an Emergency Committee as detailed above and do not extend the Chief Executive's emergency financial delegations. This option may leave Council unable to undertake make timely and essential decisions is a quorum of Council is not available as a result of COVID-19 restrictions. By not extending the Chief Executive's emergency financial delegations the Chief Executive may be unable to respond with the necessary urgency Council's response to COVID-19 may require.

CONSULTATION

27. No specific consultation has been undertaken on this matter, however Council staff have received advice on the establishment of an Emergency Committee from the Central/Local Government COVID-19 Response Unit.

RELEVANT LEGISLATION, COUNCIL POLICY AND PLANS

28. Local Government Act 2002 – Sets the meeting and decision-making requirements of local government, including quorum requirements.
29. Waimate District Council Delegations Policy – Sets out the legislative, financial and operational delegations from Council to Committees of Council, the Chief Executive and other staff.

FINANCIAL AND FUNDING IMPLICATIONS

30. There are no foreseen current year and future budget implications for the proposal to establish an Emergency Committee or extending the Chief Executive's emergency financial delegations. Any emergency expenditure which may arise during the course of Council's response to COVID-19 will be considered as appropriate. The Chief Executive will formally report on any committed emergency expenditure to the Emergency Committee with full consideration for any financial and funding implications

1. Emergency Committee

Membership

Chairperson	Mayor
Deputy Chairperson	Deputy Mayor
Members	Two Councillors
Quorum	2
Meeting frequency	As required

Purpose

- To determine matters within the authority of Council where the urgency of those matters precludes a full meeting of the Council, or emergency legislation is enacted.

Role

- To exercise all Council functions that cannot be exercised by the Council using its standard processes and procedures due to a pandemic, other natural disaster or state of emergency, except for those that:
 - Have been delegated to staff
 - Cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation
- To receive reports from the Chief Executive on any emergency expenditure provided for by the Chief Executive's emergency financial delegation.

Power to Act

- The Emergency Committee can only be activated by resolution of Council for specific events, or where resolution by Council is not possible, on the authority of the Mayor, or in the Mayor's absence, the Deputy Mayor.

Power to Recommend

- The Emergency Committee reports to the Waimate District Council.

MEETING CLOSURE