

WESTLAND
DISTRICT COUNCIL



AGENDA

RĀRANGI TAKE

NOTICE OF AN EMERGENCY MEETING OF

COUNCIL

to be held on **Tuesday 24 March 2020** commencing at **3.00 pm**
in the Council Chambers, 36 Weld Street, Hokitika

Chairperson: His Worship the Mayor

Members: Cr Carruthers (Deputy)
Cr Hart
Cr Kennedy
Cr Martin
Kw Tumahai

Cr Davidson
Cr Hartshorne
Cr Keogan
Cr Neale
Kw Madgwick



Council Vision:

We work with the people of Westland to grow and protect our communities, our economy and our unique natural environment.

Purpose:

The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

1. NGĀ WHAKAPAAHA APOLOGIES

2. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or the Group Manager: Corporate Services (preferably before the meeting). It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

3. EMERGENCY PROVISIONS FOR COVID-19

**DATE OF NEXT ORDINARY COUNCIL MEETING – 30 APRIL 2020
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**

Report



DATE: 24 March 2020
TO: Mayor and Councillors
FROM: Chief Executive

EMERGENCY PROVISIONS FOR COVID-19

1 SUMMARY

- 1.1 The purpose of this report is to establish an Emergency Committee, with membership of three (3), consisting of the Mayor, Deputy Mayor and one other Councillor, whose area of responsibility aligns to the matter of urgency in the first instance; or in the second instance is available.
- 1.2 This issue arises from the current situation with regard to COVID-19 as it continues to evolve. Council is asked to consider extraordinary measures for emergency decision-making and governance processes and approve special delegations in the event of the Chief Executive being unable to perform their duties.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council establish an Emergency Committee as a priority.

2 BACKGROUND

- 2.1 As the COVID-19 situation continues to evolve, our approach is to focus on the health and wellbeing of our people, as our first priority, and to take an informed approach that is sensible, balanced and respectful of our diverse community. We are doing this by ensuring our approach is based on the expert medical advice of the Ministry of Health and as directed by our Prime Minister.

This balanced approach aims to take into account the health and wellbeing impacts of COVID-19 itself, and the secondary consequences of any response we

make. This includes impacts on our country's health system and the ability to provide care to those that need it, minimising disruption of service to our community, and the potentially damaging economic impacts on our community.

As we understand and reflect on the growing body of information about COVID-19, we feel that it is important to take a calm and balanced view which evolves over time, making sensible assumptions about the likely impacts and to focus our efforts on practical, meaningful responses. We are actively evaluating responses based on the reality of their effectiveness and being guided by the health authorities.

The spread of COVID-19 will naturally have an impact on where our people work, including; some taking time to rest and recover if they become ill and others working from home as a preventative measure. We have a business continuity plan in place to support priority staff working remotely.

2 CURRENT SITUATION

2.1 Establishing an Emergency Committee

Currently under clause 23 of Schedule 7 of the Local Government Act 2002 (the LGA) and Council's Standing Orders, a quorum is required to be physically present for a meeting of Council or a Council committee to go ahead; and that quorum is set at half of the members if the total number of members is even, or a majority of members if the total number of members is odd. In the case of Council, five members are required for there to be a quorum. It is acknowledged that as the COVID-19 situations develops it may not be practical or possible for Council to reach a quorum for meetings. Alongside this it is acknowledged that the situation may require decisions to be made by Council as a matter of urgency. The below provisions are proposed to address this.

International experience indicates that measures are required to be put in place should the Council be unable to meet collectively, either physically or in a virtual meeting room environment, to consider and make decisions on urgent matters.

To prepare for such an event, it is advisable that an Emergency Committee be established to ensure decisions can be made as quickly as possible where required. The Terms of Reference (refer **Appendix 1**) have been modelled on various councils across the country.

In the interest of effective and timely decision making in an emergency environment, it is proposed the membership consist of three:

- The Mayor;

- Deputy Mayor; and
- One Councillor who's Terms of Reference the matter of urgency falls under.

Where one of the members is unable to fulfil their duties for whatever reason, an alternate Councillor will be required to undertake the role of member.

There are existing provisions for calling an emergency meeting of Council or a Council committee in Westland District Council Standing Orders, and the LGA. Clause 8.5 of Council Standing Orders allows for an Emergency Meeting to be called by the Mayor, or if the Mayor is not available, the Chief Executive. The process for calling Emergency Meetings, including public notices, is also outlined in Standing Orders and the LGA. Any Emergency Meetings called by the Emergency Committee would follow the correct legal process.

Where an Emergency Meeting has been called, Councillors will be notified details by email. Agendas and Minutes of the Emergency Meeting will also be circulated to Councillors as per our current system of Microsoft Teams.

After the event for which the Emergency Committee has been called, Council will receive a report summarising the Committee's activity and any decisions made over the period. At that point it will be recommended that Council deactivate the Emergency Committee and the Chief Executive Officer's emergency delegations.

2.2 Chief Executive's Emergency Financial Delegations

In anticipation of a COVID-19 national lockdown a situation may arise where payment or procurement of unexpected work or purchase of items may be required. Council's approval is therefore sought to ensure appropriate financial delegations are in place to enable the Chief Executive Officer to respond immediately during these unprecedented times. Any such expenditure will be communicated to the Mayor and Deputy Mayor and reported formally through the Emergency Committee.

2.3 Pandemic Plan

As part of the Westland District Council activating its Pandemic Plan, Councillors have been emailed a "live" copy of the plan, and the plan has been saved in Microsoft Teams.

In following these plans and responding to national directions and guidance, it may be prudent or necessary to postpone or cancel meetings. In making these decisions, key matters to consider are: expected number of persons present and the size of the venue to allow each person attending to have adequate distance between each other.

Where meetings are to proceed, the Chief Executive Officer has already activated the Pandemic Plan.

This reduces the number of people physically present by enabling Councillors and staff to Video Conference into meetings so long as there is a quorum physically present in Council Chambers to ensure the Local Government Act 2002 quorum requirements can be met.

Local Government NZ (LGNZ), Department of Internal Affairs (DIA) and Society of Local Government Managers (SOLGM) are providing guidance to councils on how the LGA 2002 quorum requirements may be modified as well as the wider contingency context should there be a community wide outbreak.

If the LGA quorum provisions are modified to accommodate these unprecedented times, Westland District Council IT department will support individuals entering a virtual meeting room from their devices at home.

Should alert level 3 be declared (refer **Appendix 2**) suspension of all committees and sub-committees of Council will occur, with the Emergency Committee attending to urgent business matters only, either physically or through the virtual meeting room provision.

2.4 Acting Chief Executive Officer's Delegations

In the unlikely event that the Chief Executive Officer is unable to undertake their responsibilities due to COVID-19, Council is asked to approve the recommended delegation chain among the Group Managers.

2.5 Budget Implications

Current Year Budget and Future Budget Implications;

There are no foreseen current year and future budget implications in relation to changes to emergency governance requirements or the Chief Executive Officer delegation arrangements in response to COVID -19 precautions.

2.6 Community Outcomes and Council Values

This item directly contributes to all the Community Outcomes in the Council's Long Term Plan 2018-2028, and is consistent with Council's values.

2.7 What Next

New meeting arrangements and information will be published on our website with the public advised on how to access minutes of meetings.

Members of the various committees and sub-committees will be advised of meeting cancellations or how to participate in meetings as required.

Once advice has been received on the modification of LGA quorum requirements, this will be put into effect immediately.

3 OPTIONS

3.1 Option 1 is to receive the report and establish an Emergency Committee.

3.2 Option 2 is to not receive the report and not establish an Emergency Committee.

4 SIGNIFICANCE AND ENGAGEMENT

4.1 This matter is assessed as being significant in nature.

4.2 This matter has been considered in consultation with the Mayor.

5 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

5.1 **Option 1** is the preferred option because of isolation of current committee members due to the level being raised to Level 3 and the publicly notified escalation to Level 4 at midnight Wednesday 25th March 2020.

5.2 The financial implications of establishing an Emergency Committee has been assessed as being minimal.

6 PREFERRED OPTION(S) AND REASONS

6.1 The preferred option is to establish an Emergency Committee.

7 RECOMMENDATION(S)

7.1 That Council receives the report and its Appendices.

7.2 That Council note that any legislative change to remove the requirement that Councillors meet “in person” in order to satisfy a quorum is likely to take some weeks.

7.3 That Council agree that in the event there is a legislative change to enable those attending via audio or audio-visual link to be counted as present for the purposes of the quorum, the following standing orders be amended:

a) Standing Order 13.9

Standing Orders) be amended to read:

Members who attend meetings by audio or audio-visual link will be counted as present for the purposes of a quorum. The member attending by audio or audio-visual link can vote on any matters raised at the meeting.

7.4 That Council note that the Epidemic Preparedness Act 2006 process to modify legislation has not yet been commenced.

7.5 That Council establishes an Emergency Committee, with a membership of three (3), consisting of the Mayor as Chair, Deputy Mayor and one other Councillor, whose area of responsibility aligns to the matter of urgency in the first instance; or in the second instance is available.

7.6 That Council adopts the Emergency Committee’s Terms of Reference as per **Appendix 1**, and under clause 32 of Schedule 7 of the Local Government Act 2002 delegates to the Emergency Committee all Council’s functions, responsibilities, duties and powers 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.

7.7 That Council update the Local Governance Statement.


- 7.8 That for the purposes of the COVID-19 emergency, Council delegates to the Mayor, in conjunction with the Deputy Mayor, the authority to activate the Emergency Committee and by resolution of the Emergency Committee, suspend all other committees and sub-committees of Council, and temporarily amend the Terms of Reference of all other committees and sub-committees of Council.
- 7.9 That for the purposes of the COVID-19 emergency, approves the Chief Executive Officer's financial delegation be set at \$1million, to allow for any unanticipated urgent expenditure. Any such unanticipated expenditure to be reported back to the Emergency Committee.
- 7.10 That Council delegates the authority and powers of the Chief Executive Officer to:
- a) Te Aroha Cook , Regulatory Services Manager as Acting Chief Executive Officer, in the event that the Chief Executive Officer is unable to fulfil his duties due to COVID-19; and
 - b) Agree where the delegated Acting Chief Executive Officer is unable to fulfil such duties due to COVID-19, the Chief Executive Officer's delegated authority and powers will be delegated to the next designated Group Manager:
 - Lesley Crichton, Group Manager: Corporate Services
 - Louis Sparks, Group Manager: District Assets.
- 7.11 That Council agree that any decision made pursuant to the delegation set out in clause 7.8 will be binding on the Council.

Simon Bastion
Chief Executive

Appendix 1: Terms of Reference: Emergency Committee

Appendix 2: Alert Levels

TERMS OF REFERENCE EMERGENCY COMMITTEE

	Authorising Body	Mayor / Council
	Status	Standing Committee
	Title	Emergency Committee
	Approval Date	24 March 2020
	Administrative Support	Chief Executive's Office

Purpose:

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

Responsibilities:

- The role of the Emergency Management Committee is to:

To exercise all Council functions, responsibilities, duties and powers 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.

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 joint authority of the Westland District Council Mayor and Deputy Mayor.

Power to Recommend:

- The Emergency Committee reports to the Westland District Council.

Membership:

The Emergency Committee will comprise the following:

- Mayor (Chairperson)
- Deputy Mayor
- 1 Councillor, whose area of responsibility aligns to the matter of urgency in the first instance, or in the second instance is available.

In the event that the Councillor whose area of responsibility aligns to the matter of urgency is unavailable, any one (1) other Councillor will serve as an Alternate.

Chairperson:

The Chairperson is responsible for:

- The efficient functioning of the Committee;
- Setting the agenda for Committee meetings in conjunction with the Chief Executive Officer; and
- Ensuring that all members of the Committee receive sufficient timely information to enable them to be effective Committee members.

The Chairperson will be the link between the Committee and Council staff.

Quorum:

- The quorum at any meeting of the Committee shall be two.

Meeting Frequency:

- The Committee will meet as and when required.

Relationships with Other Parties:

- The Chief Executive is responsible for servicing and providing support to the Committee in the completion of its duties and responsibilities. The Chief Executive shall assign council staff as required to provide these functions on his/her behalf.
- The Chairperson may request the Chief Executive and staff in attendance to leave the meeting for the duration of the discussion. The Chairperson will provide minutes for that part of the meeting.

Contacts with Media and Outside Agencies:

- The Committee Chairperson is the authorised spokesperson for the Committee in all matters where the Committee has authority or a particular interest.
- Committee members, including the Chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the Committee's delegations.
- The Chief Executive will manage the formal communications between the Committee and its constituents and for the Committee in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of the District Council.

Conduct of Affairs:

- The Committee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, Council's Standing Orders and Code of Conduct.

Public Access and Reporting:

- Notification of meetings to the public and public access to meetings and information shall comply with Standing Orders, but it should be noted that:
 - ~~Workshop meetings solely for information and discussions and at which no resolutions or decisions are made may be held in accordance with Standing Orders.~~

- Extraordinary meetings of the Committee must be held in accordance with Standing Orders.
- The public may be excluded from the whole or part of the proceedings of the meeting and information withheld on one or more of the grounds specified in s.48 of the Local Government Official Information and Meetings Act 1987.
- The Committee shall record minutes of all its proceedings.

**The Terms of Reference were adopted by the
Council at an Extraordinary Council Meeting on the 24 March 2020**

New Zealand COVID-19 Alert Levels

- These alert levels specify the public health and social measures to be taken.
- The measures may be updated on the basis of (i) new scientific knowledge about COVID-19 and (ii) information about the effectiveness of intervention measures in New Zealand and elsewhere.
- The alert levels may be applied at a town, city, territorial local authority, regional or national level.
- Different parts of the country may be at different alert levels. We can move up and down alert levels.
- In general, the alert levels are cumulative, e.g. Level 1 is a base-level response. Always prepare for the next level.
- At all levels, health services, emergency services, utilities and goods transport, and other essential services, operations and staff, are expected to remain up and running. Employers in those sectors must continue to meet their health and safety obligations.

LEVEL	RISK ASSESSMENT	RANGE OF MEASURES (can be applied locally or nationally)
Level 4 - Eliminate Likely that disease is not contained	<ul style="list-style-type: none"> • Sustained and intensive transmission • Widespread outbreaks 	<ul style="list-style-type: none"> • People instructed to stay at home • Educational facilities closed • Businesses closed except for essential services (e.g. supermarkets, pharmacies, clinics) and lifeline utilities • Rationing of supplies and requisitioning of facilities • Travel severely limited • Major reprioritisation of healthcare services
Level 3 - Restrict Heightened risk that disease is not contained	<ul style="list-style-type: none"> • Community transmission occurring OR • Multiple clusters break out 	<ul style="list-style-type: none"> • Travel in areas with clusters or community transmission limited • Affected educational facilities closed • Mass gatherings cancelled • Public venues closed (e.g. libraries, museums, cinemas, food courts, gyms, pools, amusement parks) • Alternative ways of working required and some non-essential businesses should close • Non face-to-face primary care consultations • Non acute (elective) services and procedures in hospitals deferred and healthcare staff reprioritised
Level 2 - Reduce Disease is contained, but risks of community transmission growing	<ul style="list-style-type: none"> • High risk of importing COVID-19 OR • Uptick in imported cases OR • Uptick in household transmission OR • Single or isolated cluster outbreak 	<ul style="list-style-type: none"> • Entry border measures maximised • Further restrictions on mass gatherings • Physical distancing on public transport (e.g. leave the seat next to you empty if you can) • Limit non-essential travel around New Zealand • Employers start alternative ways of working if possible (e.g. remote working, shift-based working, physical distancing within the workplace, staggering meal breaks, flexible leave arrangements) • Business continuity plans activated • High-risk people advised to remain at home (e.g. those over 70 or those with other existing medical conditions)
Level 1 - Prepare Disease is contained	<ul style="list-style-type: none"> • Heightened risk of importing COVID-19 OR • Sporadic imported cases OR • Isolated household transmission associated with imported cases 	<ul style="list-style-type: none"> • Border entry measures to minimise risk of importing COVID-19 cases applied • Contact tracing • Stringent self-isolation and quarantine • Intensive testing for COVID-19 • Physical distancing encouraged • Mass gatherings over 500 cancelled • Stay home if you're sick, report flu-like symptoms • Wash and dry hands, cough into elbow, don't touch your face