



Kaipara te Oranganui

**KAIPARA
DISTRICT**

Two Oceans Two Harbours

Kaipara District Council Agenda Emergency Meeting

Date: Monday 23 March 2020

Time: 11.00 am

Location: Conference Room
Northern Wairoa Memorial Hall
Dargaville

Elected Members: His Worship the Mayor Dr Jason Smith
(Chairperson)
Cr Anna Curnow
Cr Victoria del la Varis-Woodcock
Cr Karen Joyce-Paki
Cr Jonathan Larsen
Cr Mark Vincent
Cr Peter Wethey
Cr David Wills
Cr Eryn Wilson-Collins

*For any queries regarding this meeting please contact
the Kaipara District Council on (09) 439 7059*

Monday, 23 March, 2020

11:00 am

Conference Room, Northern Wairoa Memorial Hall, Dargaville

Pages

1. Opening

1.1 Karakia

1.2 Apologies

1.3 Confirmation of agenda

1.4 Conflict of interest declaration

2. Decision-making arrangements: COVID-19Pandemic

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3. Closure

Decision-making arrangements: COVID-19 Pandemic

Meeting: Kaipara District Council
Date of meeting: Monday 23 March 2020
Reporting officer: Jason Marris, General Manager Engagement and Transformation

Purpose/Ngā whāinga

To propose a range of temporary governance arrangements that will ensure effective and continuous decision-making during the COVID-19 pandemic.

Context/Horopaki

The New Zealand Government (the “Government”) are now implementing measures to control the spread of the COVID-19 virus in New Zealand. The decisions made by the Government to date are broad and will have a major impact on business as usual for the public and private sectors in New Zealand.

All local authorities are now planning and preparing to implement business continuity plans. These plans are designed to ensure that local government service delivery continues to function as effectively as possible during the phases of the pandemic.

It is important that decisions can be made by the Council. The proposed decision-making arrangements in this report provide for mechanisms to deal with all phases of the pandemic as it runs its course. The arrangements ensure that decision making powers and processes are accountable and transparent, and the meeting environments mitigate the risk of spreading infection.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

- a) Notes that the Department of Internal Affairs is currently investigating drafting an Order in Council to amend the statutory requirement for a physical quorum to be present to constitute local authority meetings, allowing for meetings of Council to be held electronically
- b) Notes that if such an Order in Council were to be enacted, Kaipara District Council may further require an additional, more flexible urgent decision-making process
- c) Delegates the power to make urgent decisions on behalf of the Council or its committees, to the Mayor, Deputy Mayor and Councillor [Insert name]
- d) Notes that the above delegation (c) will only be used for decisions which;
 - i. are urgent,
 - ii. are recommended to decision-makers by the Chief Executive,
 - iii. are to be made in a period where it is difficult to convene a physical or electronic Council meeting due to the COVID-19 situation
 - iv. Council is statutorily able to delegate
- e) Notes that when the urgent decision-making process is exercised, instances will be reported to the first subsequent Council or relevant committee meeting
- f) Notes that where statute states that decision-making cannot be delegated, arrangements will be made to delay the decision until a Council meeting can be convened in a manner that ensures the health and wellbeing of people involved

- g) Approves the budgeted financial delegation of the Chief Executive be increased to up to \$1 million to ensure contractual arrangements can continue to be met and established
- h) Agrees that the above delegation (g) is provided for expenditure that is included in the Council's current approved Long-term Plan and budgeted for the year it is to be spent over the period
- i) Approves an unbudgeted financial delegation of up to \$100,000 for the Chief Executive to ensure efficient management of unforeseen operational expenses due to COVID-19
- j) Agrees that all delegations (recommendations c, g and i) will remain in force until the pandemic is declared over or advice is received from the Government instructing all government agencies and authorities to return to normal business status
- k) Notes that the delegation provided to Councillor Curnow in December 2019 to declare a state of local emergency in the event the Mayor may be unavailable, remains in force.

Discussion/Ngā kōrerorero

The COVID-19 pandemic could cause significant disruption to Council operations and decision-making. Staff are assessing and planning for the impact on the operations of Council. Elected members must address the ability to make decisions to ensure continuity of business in uncertain times with unpredictable and unforeseen outcomes.

Decision-making hierarchy

A hierarchy of decision-making meetings is proposed in this report, as follows:

1. Normal Council meetings/briefings continue until the pandemic situation worsens where those meetings are not practical or safe to be held, as directed by the Government
2. Council meetings/briefings held using an electronic platform entirely, if legislation is relaxed to allow this
3. Delegated urgent decision-making powers to the Mayor, Deputy Mayor and one other Councillor
4. Increase in the Chief Executive's financial delegations to ensure business continuity

Normal Council meetings/briefings

Until the situation worsens (current status at time of report writing is no gatherings of 100 people allowed, one confirmed COVID-19 case in Northland), normal Council meetings, briefings and committees as scheduled will continue. The current standing orders apply (which complies with legislation) regarding minimum numbers of members attending meetings.

Electronic meeting attendance

Discussions with the Department of Internal Affairs (DIA), Local Government New Zealand (LGNZ), the New Zealand Society of Local Government Managers (SOLGM) are taking place regarding obtaining an Order in Council relaxing the requirement to have a physical quorum present at Council meetings. Without this, at least five members of Council must be physically present to constitute a meeting. This, obviously, could present a risk during a pandemic, particularly if the situation in New Zealand, and Northland, worsens.

If the Order in Council is enacted, this would allow Council meetings to be held electronically via skype or some similar system. Staff are currently working through options around this. These meetings would rely on technology, which is not totally fail safe.

It is envisaged that this option would be utilised by Council, and Council would make all decisions on behalf of its committees.

Urgent decision-making powers

Given the unpredictable nature of the pandemic event and the fact that technology may not be easy to allow meetings to be held, it is proposed that urgent decision-making powers also be delegated to the Mayor, Deputy Mayor and one other Councillor.

The delegation would be exercised where it is deemed difficult to convene a physical or electronic Council meeting due to the COVID-19 situation and would act in a similar way to the summer recess delegations which are agreed by Council each December. Decisions would be recommended by a formal report from the Chief Executive and would be deemed to be urgent, confirmed by the decision-makers. The delegated decision-makers would do this work electronically.

All elected members will be provided with the reports at the same time as the delegated decision makers. The reports and decisions will also be published on our website as soon as practicable after the decision.

It is expected that decisions which by statute cannot be delegated to less than the whole Council would be addressed with an electronic meeting of the whole Council or delayed until a decision could formally be made in a safe environment. The possible Order in Council could address this and may direct differently.

The delegation would remain in force until the pandemic is declared over, or advice from the Government is received instructing all government agencies and authorities to return to normal business status. Providing a fixed end date could create unforeseen problems if the situation is not under control by that date.

Again, it is envisaged that this option would be utilised by Council, and Council would make all urgent decisions on behalf of its committees. If this delegation was enacted and legislation was subsequently altered to allow Council meetings to occur electronically (tier two in the hierarchy), those electronic meetings would be organised and they would take the place of these delegations.

When the Summer 19/20 recess delegations were addressed at the December Council meeting, Council delegated Deputy Mayor Anna Curnow the authority under section 25(5) of the Civil Defence Emergency Management Act 2002 to declare a state of local emergency in the event the Mayor is unavailable. This delegation continues to remain in force, irrespective of the pandemic.

Chief Executive (CE) Financial Delegations

It is important for normal business to continue to be conducted. In the interests of efficient decision-making, particularly around upcoming Infrastructure contracts, this report recommends an increase to the CEs budgeted financial delegation.

The current CE budgeted financial delegation is up to \$499,000, provided that the expenditure is included in the Council's current approved Long Term Plan (LTP) and budgeted for the year it is to be spent. It is recommended that the delegation is increased to up to \$1 million with the same LTP proviso.

The CE currently does not have a financial delegation for any unbudgeted expenditure. Given the fast moving and unpredictable nature of the COVID-19 situation, there may be a need to move at pace. It is recommended that the CE be delegated the authority to approve individual expenditure of up to \$100,000 to ensure that the organisation can adapt promptly and appropriately. If this expenditure delegation is exercised, these instances will formally be reported to Council at the earliest opportunity.

These delegations would also remain in force until the pandemic is declared over, or advice from the Government instructing all government agencies and authorities to return to normal business status is received.

Options

1. **Approve the delegations** as recommended in the report. This is the recommended course of action and would allow decision-making to continue in an uncertain and unpredictable situation due to COVID-19.
2. **Not approve the delegations** as presented. This could put the organisation at risk of not being able to make decisions appropriately. The worst case scenario here is the organisation could not respond and make necessary decisions on behalf of the community.
3. **Amend the delegations.** Depending on what amendment is sought, minor changes can be made to reflect political desires. Staff have presented what is an appropriate path forward for decision-making to continue.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

Next steps/E whaiake nei

- The pandemic situation will continue to be monitored by the Council emergency response team
- The decision-making hierarchy will be put in place with the adoption of recommendations from this report
- Other members of Governance bodies will be informed of the situation and the plans
- Staff are assessing online technology options to allow the operation of meetings using an electronic platform. A platform will be selected and appropriate training of its use will be provided to staff and members, likely to be online
- Staff will review the urgent decision-making process to ensure it is ready to be used