

Emergency Council Meeting
Wednesday 25 March 2020 at 9.00am

AGENDA

Northland Regional Emergency Council Meeting Agenda

Meeting to be held in the Council Chamber
36 Water Street, Whangārei
on Wednesday 25 March 2020, commencing at 9.00am

Recommendations contained in the council agenda are NOT council decisions. Please refer to council minutes for resolutions.

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TITLE: Verbal Briefings
ID: A1298484
From: Chris Taylor, Governance Support Manager

Executive summary/Whakarāpopototanga

This report is to facilitate a briefing from the:

- GM Customer Service/Community Resilience, Tony Phipps, regarding the drought response and council's CDEM COVID-19 response
 - GM Strategy, Governance and Engagement, Jonathan Gibbard, regarding council's internal pandemic response; and
 - GM Corporate Excellence, Dave Tams, regarding finance.
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Recommendation

That the report 'Verbal Briefings' by Chris Taylor, Governance Support Manager and dated 23 March 2020, be received.

Background/Tuhinga

Nil

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 24 March 2020

TITLE: Clarification of Emergency Decision Making Delegations

ID: A1298311

From: Chris Taylor, Governance Support Manager

Executive summary/Whakarāpopototanga

In light of the current COVID-19 pandemic this report seeks to clarify and amend council delegations to the Chairperson, Deputy Chairperson and Chief Executive Officer to enable emergency decision making during a pandemic event.

Recommendations

1. That the report 'Clarification of Emergency Decision Making Delegations' by Chris Taylor, Governance Support Manager and dated 23 March 2020, be received.
2. That council's delegation to make an urgent/emergency decision (in accordance with Part 6 of the Local Government Act 2002 (LGA)) be amended to specifically include reference to a pandemic event (where it is difficult to convene a council or subcommittee meeting) as included in **Attachment One**. For the avoidance of doubt this delegation is made pursuant to clause 32, Schedule 7 of the Local Government Act and includes all powers and functions of council other than those listed in clause 32(1), Schedule 7 of the Local Government Act.

Background/Tuhinga

Nil

Considerations

1. Options

No.	Option	Advantages	Disadvantages
1	Approve the recommended change to the delegation regarding emergency decision making.	<ul style="list-style-type: none">• Provides certainty and clarity around emergency decision making during a pandemic response.	<ul style="list-style-type: none">• Nil
2	Do not approve the recommended changes to the delegation regarding emergency decision making.	<ul style="list-style-type: none">• None apparent.	<ul style="list-style-type: none">• There is a lack of certainty as to council's ability to make emergency decisions during a pandemic response.

The staff's recommended option is Option 1.

2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's significance and engagement policy because it is an administrative matter and part of council's day to day functions.

3. Policy, risk management and legislative compliance

This report complies with Section 32 of Schedule 7 of the Local Government Act and the ability for council to delegate specific delegations.

The recommended delegations are considered a prudent approach and will reduce council's risk during the COVID-19 event.

Further considerations

4. Community views

Not applicable.

5. Māori impact statement

Nil

6. Financial implications

Nil

7. Implementation issues

Nil

Attachments/Ngā tapirihanga

Attachment 1: Update to delegations manual - emergency decisions [↓](#) 

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 24 March 2020

Section	Summary of function delegated	Delegate	Notes
Part 6, LGA 2002: Decision-making, provisions	<p>Authority to make an urgent / emergency decision.</p> <p>Examples of urgent / emergency decisions include:</p> <ul style="list-style-type: none"> - Settlement required by a date prior to next council meeting - A high court decision needs to be made prior to the next council meeting - Unforeseen expenditure related to a civil defence or hazard (see financial delegations). - Decisions required during a pandemic event when a council/subcommittee cannot be convened. 	<p>Chief Executive Officer</p> <p>And</p> <p>either the Chairperson or Deputy if Chairperson unavailable.</p>	<p>Authority to make an urgent or emergency decision prior to the next scheduled council meeting/subcommittee, where calling an extraordinary meeting is not warranted.</p> <p>An urgent or emergency decision is to be supported by advice / report from staff explaining the justification for urgency. Urgent decisions must comply with all LGA requirements particularly the decision-making provisions of Part 6.</p> <p>Every decision made under this provision must be reported to the next full meeting of the council/subcommittee.</p> <p>Note: The delegation for urgent/emergency decision making in relation to a pandemic event remains in force until the pandemic is declared over by central government agencies or by council resolution.</p>
Appointment and reporting of		Chief Executive Officer	The Chief Executive Officer is authorized to appoint

TITLE: **Emergency Delegations**
ID: A1298396
From: Chris Taylor, Governance Support Manager

Executive summary/Whakarāpopototanga

As the COVID-19 situation continues to evolve it is critical that council has the necessary measures in place for key roles and functions to continue. Hence this report recommends a suite of delegations in the event the Chief Executive or any of the Group Managers are unable to fulfil their roles and functions due to COVID-19.

Recommendations

1. That the report 'Emergency Delegations' by Chris Taylor, Governance Support Manager and dated 23 March 2020, be received.
2. That, in the event the Chief Executive Officer is unable to fulfil his duties due to COVID-19, the GM – Environmental Services/Deputy Chief Executive Officer, Bruce Howse, is appointed Acting Chief Executive Officer and must perform all the responsibilities and duties, and may exercise all the powers, of the Chief Executive Officer.
- 2b. That, in the event the Deputy Chief Executive Officer is unable to fulfil such duties (resolution 2) due to COVID-19, the Chief Executive Officer's delegated authority and powers will transfer to the next designated Group Manager, as follows:
 - GM Strategy, Governance and Engagement – Jonathan Gibbard
 - GM Customer Services/Community Resilience – Tony Phipps
 - GM Regulatory Services – Colin Dall
3. That in the event one of the Group Managers is unavailable to fulfil his duties due to COVID-19, their Deputy GM must perform all their responsibilities and duties; and may exercise all their powers. In the event the Deputy GM is unable to fulfil these duties due to COVID-19 these will be delegated to the officer nominated in the table below:

Group Manager	Deputy GM	Nominated Officer
GM Customer Services/Community Resilience	Customer Services Manager, Sue Brookes	Civil Defence Emergency Management Manager, Graeme MacDonald
GM Strategy, Governance and Engagement	Strategy, Policy and Planning Manager, Ben Lee	Strategic Policy Specialist, Justin Murfitt
GM Corporate Excellence	Information Services and Technology Manager, Carol Cottam	Finance Manager, Simon Crabb
GM Regulatory Services	Compliance Monitoring Manager, Tess Dacre	Natural Resources Monitoring Manager, Jason Donaghy
GM Environmental Services	Land Manager, Duncan Kervell	Rivers and Natural Hazards Manager, Joseph Camuso

Background/Tuhinga

In the event that the Chief Executive Officer or one of the Group Managers is unable to undertake their responsibilities due to COVID-19, council is asked to endorse the recommended hierarchy of delegations. The report recommends a hierarchy of transferred delegation in the event one of the delegated officers also becomes unwell and unavailable to undertake delegated duties.

Considerations

1. Options

No.	Option	Advantages	Disadvantages
1	Approve the delegations	<ul style="list-style-type: none">A hierarchy of delegations is in place to ensure key roles and functions can continue.A prudent approach giving the escalating COVID-19 situation.	<ul style="list-style-type: none">None – apparent.
2	Do not approve the delegations	<ul style="list-style-type: none">None – apparent.	<ul style="list-style-type: none">Potentially puts business critical functions at risk.

The staff's recommended option is Option 1

2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's significance and engagement policy because it is an administrative matter and part of council's day to day functions.³ Policy, risk management and legislative compliance

3. Policy, risk management and legislative compliance

This report complies with Section 32 of Schedule 7 of the Local Government Act and the ability for council to delegate specific delegations down to an officer level.

The recommended delegations are considered a prudent approach and will reduce council's risk during the COVID-19 event.

Further considerations

4. Community views

Not applicable.

5. Māori impact statement

Not applicable.

6. Financial implications

Nil.

7. Implementation issues

Nil.

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 24 March 2020

TITLE: Amendment to Subcommittee and Working Party Quorums

ID: A1298519

From: Chris Taylor, Governance Support Manager

Executive summary/Whakarāpopototanga

This report is to present a recommendation that in order to allow maximum flexibility during the COVID-19 event and for business continuity that the quorum of council's subcommittees be reduced to the statutory minimum of two members and that the quorum for working parties be suspended.

Recommendations

1. That the report 'Amendment to Subcommittee and Working Party Quorums' by Chris Taylor, Governance Support Manager and dated 23 March 2020, be received.
2. That the quorum for the Investment and Property Subcommittee and the Audit and Risk Subcommittee be reduced during the COVID-19 pandemic response to two members.
3. That the quorum for all council working parties be suspended during the COVID-19 pandemic response.
4. For the avoidance of doubt, recommendations 2 and 3 (above) remain in force until the pandemic is declared over by central government agencies or by council resolution.

Background/Tuhinga

When council established its governance structure for the 2019 – 2022 triennium it determined that the quorum for its subcommittees would be four members (for the avoidance of doubt ex-officio and independent members count toward the quorum).

However, the statutory requirement (as stipulated by Section 23, Schedule 7 of the LGA; and Standing Order 11.2) for subcommittees provides for a minimum of two members as follows:

11.2 Committees and subcommittees

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members (See also 7.4).

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council.

cl. 23 (3)(b) Schedule 7, LGA 2002.

While working parties are not governed by Standing Orders and hence a quorum is not a statutory requirement, council decided to set the quorum requirement for its working parties as follows:

Working Party	Quorum (ex-officio and non-elected members count to the quorum)
Water and Land Working Party	Five
Climate Change Working Party	Four
Te Taitokerau Maori and Council Working Party	3 elected members and a third of the Maori representatives
Biosecurity and Biodiversity Working Party	Four
Planning and Regulatory Working Party	Four
NRC/WDC Whangarei Public Transport Working Party	Three

Given the current COVID-19 response it is important to allow maximum flexibility for these subcommittees/working parties to continue to meet and conduct business. Until there is a change in legislation or an 'Order in Council' relaxing the requirement to have a physical quorum present at meetings the requirement for a quorum as outlined in respective Terms of Reference remain in place.

Considerations

1. Options

No.	Option	Advantages	Disadvantages
1	Approve the amendments to Subcommittee and Working Party quorums.	<ul style="list-style-type: none"> Allows maximum flexibility and business continuity during the COVID-19 event. 	<ul style="list-style-type: none"> None apparent
2	Do not approve the amendments to Subcommittee and Working Party quorums.	<ul style="list-style-type: none"> None apparent 	<ul style="list-style-type: none"> The ability for subcommittees and working parties to meet may be marginalised which could in turn impact on work programmes.

The staff's recommended option is Option 1.

2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's significance and engagement policy because it is an administrative matter and part of council's day to day functions.

3. Policy, risk management and legislative compliance

The recommendations in the report are considered a prudent approach and will reduce council's risk during the COVID -19 event.

The report also complies with Section 23, Schedule 7 of the Local Government Act 2002.

Further considerations

4. Community views

Not applicable.

5. Māori impact statement

Not applicable.

6. Financial implications

Nil

7. Implementation issues

Nil

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 24 March 2020