

# Extraordinary Whangarei District Council Meeting

## Agenda

**Date:** Tuesday, 24 March, 2020

**Time:** 9:00 am

**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

**Elected Members:** Her Worship the Mayor Sheryl Mai  
(Chairperson)  
Cr Gavin Benney  
Cr Vince Cocurullo  
Cr Nicholas Connop  
Cr Ken Couper  
Cr Tricia Cutforth  
Cr Shelley Deeming  
Cr Jayne Golightly  
Cr Phil Halse  
Cr Greg Innes  
Cr Greg Martin  
Cr Anna Murphy  
Cr Carol Peters  
Cr Simon Reid

For any queries regarding this meeting please contact  
the Whangarei District Council on (09) 430-4200.

1. **Karakia/Prayer**
2. **Declarations of Interest**
3. **Apologies**
4. **Decision Reports**

4.1 Decision making arrangements in response to COVID-19

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5. **Closure of Meeting**

Recommendations contained in the Council agenda may not be the  
final decision of Council.

Please refer to Council minutes for final resolution.

## 4.1 Decision-making arrangements: COVID-19 Pandemic

**Meeting:** Whangarei District Council  
**Date of meeting:** 24 March 2020  
**Reporting officer:** Tracey Schiebli (Manager Democracy and Assurance)

### 1 Purpose

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

### 2 Recommendations

That Council:

1. Notes that following this Council meeting, all meetings of Council will cease for a period of one month.
2. Delegates the power to make urgent decisions on behalf of Council or its Committees to:
  - Any two of the Mayor or Deputy Mayor, and the Chairperson of either the Infrastructure, Strategy Planning and Development, or Community Development Committees.

To be in force so long as Council is required to act in accordance with Alert Level 4 as determined by Government.

3. If the Mayor or Deputy Mayor is not available, delegates to the Chief Executive, urgent decision making powers, except for those responsibilities, duties and powers specifically excluded in clause 32(1)(a) – (h) of Schedule 7 of the Local Government Act 2002.
4. Agree that the Chief Executive's financial delegation is increased to \$4,500,000 in relation to these urgent decision making powers if they are required.
5. Notes the delegations under recommendations 3 and 4 above would only apply so long as Council is required to act in accordance with Alert Level 4 as determined by the Government.
6. Note these urgent decision making delegations will be reviewed when the alert level is reduced by the Government.

### 3 Background

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 further infection.

## 4 Discussion

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.

At the time of writing this report, the Government had announced that NZ is moving to Alert Level 3 effective immediately, with a move to Level 4 effective from 11.59am Wednesday 25 March 2020.

The decision-making arrangements in this report assume that Council is operating in accordance with Alert Level 4. This means everyone must self-isolate at home except for getting necessary supplies for the household, and medical treatment.

### 4.1 Urgent decision-making

The recommendations in this report are consistent with the approach historically taken by Council where mechanisms for urgent decision-making are required.

When the 2019-20 Christmas recess delegations were decided at the December Council meeting, Council delegated:

*“Any two of either the Mayor or Deputy Mayor, and the Chairperson of either the Infrastructure, Strategy Planning and Development, or Community Development Committees to hold the urgent decision making delegations.”*

Continuation of normal Council meetings is not possible while the country remains at Alert Level 4 as everyone is required to self-isolate at home.

Following this meeting, no Council meetings, including Committee meeting and Briefings, will occur for the next month. This will be reviewed prior to the end of the one month period.

Meetings could be conducted electronically however current legislation requires members to be physically present at a meeting to be part of the quorum. Whangarei District Council's quorum is 7 members.

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 waiving the requirement to have a physical quorum present at Council meetings changes had not been made at the time of writing.

This means urgent decision making powers need to be put in place to ensure continuity of Council business.

The members with the urgent decision-making powers will make all decisions on behalf of Council.

The process will happen in the same way as the December 2019 recess delegations which are agreed by Council each December. Matters requiring urgent decisions, as recommended by the Chief Executive, will be presented through a formal report. The delegated decision-makers will do this work electronically.

Staff are working through a process for sharing information items with elected members, and the public.

Under these arrangements Council must still comply with the requirements of the Local Government Official Information and Meetings Act (LGOIMA) 1987.

These urgent delegations will remain in force so long as NZ remains at Alert Level 4. They will be reviewed when the alert level is reduced by the Government.

Providing a fixed end date would create unforeseen problems if the situation is not under control by that date.

### **Chief Executive's financial delegations**

It is important for normal business to continue to be conducted. The current Chief Executive financial delegation is \$3,500,000.

If the Mayor or Deputy Mayor is not available, the recommendation is that the Chief Executive be given delegations for urgent decision making to the extent allowed under the Local Government Act. Council cannot delegate responsibilities, duties and powers specifically excluded in clause 32(1)(a) – (h) of Schedule 7 of the Local Government Act 2002.

It also recommended, that if the Chief Executive needs to exercise these additional delegations, he can do so up to a financial delegation of \$4,500,000.

This would enable the Chief Executive to award a contract for construction of the New Town Basin Park (Carpark to Park) project. This project may exceed the CE's current delegations and could be ready to award during the period where urgent decision-making arrangements are in place.

If required, the increased delegations would apply so long as NZ remains at Alert Level 4.

## **5 Significance and engagement**

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



### RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

### Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

#### Move/Second

"That \_\_\_\_\_ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item \_\_\_\_\_.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because \_\_\_\_\_.

*Note:*

*Every resolution to exclude the public shall be put at a time when the meeting is open to the public.*