

COUNCIL MEETING

ORDER PAPER

Emergency Meeting

THURSDAY, 24 March 2020, 1.00 pm

Council Chamber, Rangitīkei District Council
46 High Street, Marton

Website: www.rangitikei.govt.nz

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Telephone: 06 327-0099

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Chair - His Worship the Mayor, Andy Watson

Deputy Chair – Councillor Nigel Belsham

Membership

Councillors Cath Ash, Brian Carter, Fi Dalgety, Gill Duncan, Jane Dunn, Angus Gordon, Tracey Hiroa, Richard Lambert, Waru Panapa and Dave Wilson.

Please Note: Items in this agenda may be subject to amendments or withdrawal at the meeting. It is recommended therefore that items not be reported upon until after adoption by the Council. Reporters who do not attend the meeting are requested to seek confirmation of the agenda material or proceedings of the meeting from the Chief Executive prior to any media reports being filed.

Making this place home.



Rangitikei District Council

Council Meeting – Emergency meeting

Agenda – Tuesday 24 March 2020 – 1:00 PM

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1 Open and Welcome

2 Council Prayer

3 Apologies/Leave of Absence

4 Emergency Meeting

Following the recommendation of the Chief Executive, Peter Beggs, this emergency meeting has been called due to the COVID19 pandemic situation. As such Council recognises it has set aside the public notification process for meetings.

Recommendation:

That Council endorse holding an emergency meeting on 24 March 2020 as recommended by the Chief Executive Peter Beggs to address the COVID19 pandemic situation.

5 Council decision-making during escalated response to COVID-19

A memorandum is attached.

File ref: 3-OR-3-4

Recommendations:

- 1 That the memorandum 'Council decision-making during escalated response to COVID-19' be received.
- 2 That Council notes that during the period set for level 4 restrictions to apply under the national pandemic plan to contain COVID-19 staff availability will be limited and social distancing is a priority (both for meeting participants and the public who are in attendance), and agrees –
 - Council continues to meet on the last Thursday of each month, as scheduled, maximising the use of technology permitted by law (including accessibility by the public);
 - Council continues to meet in workshops as agreed between the Mayor and Chief Executive, maximising the use of technology; and
 - all scheduled meetings of Council committees, including Te Rōpu Ahi Kā, community committees, rural water supply management committees and reserve management committees – are cancelled.
- 3 That Council notes that lawful decision-making during the escalated response to COVID-19 may be unachievable and delegates to the Chief Executive all of Council's powers, duties and responsibilities that Council may delegate to officers, including the ability to enter into any contract or to authorise any level of expenditure, subject to

- I. the Council being unable or unavailable to hold meetings that comply with the requirements of the Local Government Act 2002 and the Local Government Official Meetings and Information Act, and
- II. the Chief Executive exercising these additional delegated powers only in consultation with the Mayor (or, if the Mayor is unavailable, the Deputy Mayor or, if the Deputy Mayor is not available the Chair of the relevant Council Committee) and
- III. the Chief Executive reporting any decisions made under these additional delegations to the next available meeting of Council.

6 Council Meeting scheduled 26 March 2020

The Order paper for the Council Meeting scheduled 26 March 2020 is loaded to the website.

Recommendations:

That Council

7 Finance Performance Meeting scheduled 26 March 2020

The Order paper for the Finance Performance Meeting scheduled 26 March 2020 is loaded to the website.

Recommendations:

That Council

8 Council Public Excluded Meeting scheduled 26 March 2020

The Order paper for the Council Public Excluded Meeting scheduled 26 March 2020 is loaded to the website.

Recommendations:

That Council

9 Close Meeting

Attachment 1

Memorandum

To: Council

From: Peter Beggs

Date: 24 March 2020

Subject: **Council decision-making during escalated response to COVID-19**

File: 3-OR-3-4

1 Background

- 1.1 On 23 March 2020, the Prime Minister announced an escalated response to COVID-19, meaning the country is in lockdown other than providing and receiving essential services. Some local government functions are deemed essential services. This means lawful decision-making needs to be in place for the next four weeks, and possibly longer if the threat from COVID-19 remains substantial.
- 1.2 Arrangements for lawful decision-making must not compromise the Government's measures to contain COVID-19.

2 Statutory position

- 2.1 Council meetings are governed by provisions in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1989. These are reflected in the standing orders adopted by Council (based on a template developed by Local Government New Zealand).
- 2.2 The quorum for meetings is half the number of members if the total membership is an even number or half plus one if the total number of members is an odd number. This applies to Council and all its committees. Clause 25A, Schedule 7 of the Local Government Act 2002 permits up to half the membership to participate (and vote) by audio-visual or phone link but half the membership must be physically present in the room for a quorum.
- 2.3 Allowing the Mayor and Councillors to hold meetings entirely online will require a statutory change. This is under consideration by the Department of Internal Affairs. It is unclear whether (and when) such a legislative change will be made.
- 2.4 Section 47 of the Local Government Official Information and Meetings Act 1989 requires every meeting of the local authority to be open to the public unless a resolution to exclude the public has been made in terms of the criteria in that Act. Audio-visual accessibility is an acceptable alternative, and is what has been put in place for Parliament (including its Select Committees).

- 2.5 Clause 32, Schedule 7 of the Local Government Act 2002 allows the Council to delegate “any of its responsibilities, duties or powers” to a committee, other subordinate decision-making body, community board or an officer of the Council except for
- the power to make a rate
 - the power to make a bylaw
 - the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
 - the power to adopt a long-term plan, an annual plan or annual report
 - the power to appoint a chief executive
 - the power to adopt policies required to be adopted and consulted on under the Act in association with the long-term plan or developed for the purpose of the local governance statement
 - the power to adopt a remuneration and employment policy.
- 2.6 At this stage there is no indication that these limitations will be relaxed, meaning that Council will still need to meet to decide on those matters which currently may not be delegated.

3 Options

- 3.1 Form a specific Committee (as Waimakiriri District Council is doing).

This would mean delegating to the Committee all possible powers and responsibilities, allowing for approval of expenditure, initiating consultations, consideration of submissions, and support to the community for responding to the COVID-19 pandemic.

- 3.2 Provide additional powers to the Chief Executive (as Waipa District Council is doing).

This would mean lifting current limitations on the Chief Executive’s entering into any contract or authorising any expenditure. It would apply only when properly constituted meetings of Council could not occur, and would entail consultation with the Mayor/Deputy Mayor/Chair of the relevant Council Committee.

4 Conclusion

- 4.1 Decision-making by local authorities during the escalated response to COVID-19 needs to focus on those services deemed essential. In this circumstance, it is reasonable to suspend all meetings of subordinate decision-making bodies – i.e. all Council Committees and Community Boards – leaving the decision-making focus on Council.
- 4.2 Maintaining flexibility and simplicity is crucial since the term of the escalated response to COVID-19 is unknown. Establishing a specific Committee does not remove the need for Council to meet. The more efficient mechanism is to provide additional delegations to the Chief Executive, to exercise in consultation with the Mayor/Deputy Mayor/relevant Committee Chair.

4.3 It is important the Council commits to periodic workshop sessions, not only to consider the COVID-19 situation, but also to progress its thinking about the 2020/21 Annual Plan and the 2021-31 Long-Term Plan.

5 Recommendations

5.1 That the memorandum 'Council decision-making during escalated response to COVID-19' be received.

5.2 That Council notes that during the period set for level 4 restrictions to apply under the national pandemic plan to contain COVID-19 staff availability will be limited and social distancing is a priority (both for meeting participants and the public who are in attendance), and agrees –

- Council continues to meet on the last Thursday of each month, as scheduled, maximising the use of technology permitted by law (including accessibility by the public);
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- all scheduled meetings of Council committees, including Te Rōpu Ahi Kā, community committees, rural water supply management committees and reserve management committees – are cancelled.

5.3 That Council notes that lawful decision-during the escalated response to COVID-19 may be unachievable and delegates to the Chief Executive all of Council's powers, duties and responsibilities that Council may delegate to officers, including the ability to enter into any contract or to authorise any level of expenditure, subject to

- I. the Council being unable or unavailable to hold meetings that comply with the requirements of the Local Government Act 2002 and the Local Government Official Meetings and Information Act, and
- II. the Chief Executive exercising these additional delegated powers only in consultation with the Mayor (or, if the Mayor is unavailable, the Deputy Mayor or, if the Deputy Mayor is not available the Chair of the relevant Council Committee) and
- III. the Chief Executive reporting any decisions made under these additional delegations to the next available meeting of Council.

Peter Beggs
Chief Executive