

# Ashburton District Council

## AGENDA

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### Notice of Meeting:

An **Emergency meeting of the Ashburton District Council** will be held on:

**Date:** Wednesday 25 March 2020  
**Time:** 11.00am  
**Venue:** Council Chamber  
137 Havelock Street, Ashburton

### Membership

Mayor	Neil Brown
Deputy Mayor	Liz McMillan
Members	Leen Braam
	Carolyn Cameron
	John Falloon
	Rodger Letham
	Lynette Lovett
	Angus McKay
	Diane Rawlinson
	Stuart Wilson

## Meeting Timetable

Time	Item
11am	Emergency Council Meeting commences

### 1 Apologies

- Crs Rodger Letham and Stuart Wilson will join meeting via Zoom

### 2 Extraordinary Business

### 3 Declarations of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

## Reports

### 4 Establishing the Covid-19 Response Committee

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## ***4. Covid-19 Response Committee***

Author *Hamish Riach, Chief Executive*

### **Summary**

- This report recommends the Council establishes a Covid-19 Response Committee and approves the terms of reference of the Committee and delegations required to give effect to the Covid-19 response.
- The situation with Covid-19 is changing rapidly, and the Council needs to anticipate how it will function in an escalated Level 4 alert level environment, and given the rate of escalation, this report proposes it implements the changes with immediate effect.
- The Council has closed its community facilities (effective 23 March 2020) and is considering the way it delivers services for the foreseeable future. Staff will be supported to work remotely, and it is possible that the delivery of services may be compromised. The Council must be able to respond promptly and this Committee will enable responsive decision making.
- The nature and extent of this event is unknown. We need to enable the Council to operate and make decisions given any set of circumstances.
- Establishing a committee that effectively has the power of the Council to make decisions with a lower number required to achieve a quorum is important.
- The proposal also recommends that we suspend the meeting of Council committees, Methven community board and any other non-essential meeting or hearing of the Council.
- The Council will need to consider alternative means of staying connected with elected members and community.
- The Committee would comprise the Mayor and all Councillors, with a quorum of two members (permitted by the Local Government Act 2002) to enable it to meet and function.
- The delegations of the Committee will include all the powers, duties and functions of that the Local Government Act permits a Council to delegate. Some functions must be retained by the Council, such as adopting the Annual Plan and setting rates. It is possible that further emergency legislative amendments will be considered that may relax these requirements.

- While the community board and committee delegations are limited, for avoidance of doubt, the Covid-19 Response Committee will have the same delegations as those other decision making bodies.
- It is likely that the quantum of business being transacted by the Committee will be reduced compared to the current activity and there will be further consideration about what decisions are made by the Committee, versus those made by management under delegation.

## Appendix 1 Terms of reference for the Covid-19 Response Committee

### Recommendations

1. **That** Council receives the report.
2. **That** Council establishes the Covid-19 Response Committee, in accordance with the Terms of Reference contained in Appendix 1, noting that the Committee will have all the delegated powers, duties and functions of the Council, except those specified in the Local Government Act, and that the Committee will have a quorum of two members.
3. **That** Council resolves, with immediate effect, that meetings of all of Council's committees, with the exception of the Library & Civic Centre Project Control Group, are suspended until further notice.
4. **That** Council notes that the community board meetings will not be held until further notice, and where possible, staff will use best endeavours to seek board member views about matters that are subject to decision that impacts their community board area.
5. **That** Council circulates this report to the Methven Community Board.

## Appendix 1 Terms of Reference for the Covid-19 Response Committee

## Background

1. The World Health Organisation has declared a pandemic as a result of the transmission of the Covid-19 virus across the world. Worldwide more than 330,000 cases have been diagnosed and over 14,500 people have died (as of 23 March 2020). What makes the situation so serious is that there is no vaccine to protect the community and it may take up to a year before one is available.
2. The Government has developed a four-stage alert system and currently the country is at Level 3, and will move to level 4 at 11.59pm on Wednesday 25 March. At present, there are 102 cases in New Zealand, but that number is expected to increase.
3. Significant efforts are being made to limit transmission, and it is important that we take all reasonable steps to keep staff and the community safe. The key means of doing so is maintaining good personal hygiene and maintain physical distancing. The Government is urging all people over 70 years of age and those with underlying medical conditions to remain at home.
4. The Council on 23 March 2020 has closed all community facilities, including the library, museum and art gallery, aquatic facilities and community halls. Alternative service delivery mechanisms will need to be in place for possibly a number of months.
5. Having effective governance during this time is important and hence the intention to streamline Council and community decision making.
6. Local Government NZ is coordinating with the Ministry of Health (MOH), National Emergency Management Agency (NEMA), Department of Internal Affairs (DIA) and the Society of Local Government Managers (SOLGM) to ensure all councils are receiving information through the appropriate channels. A Local Government Covid-19 response team has been formed and is providing information to councils across the country about contingency measures in the event of a community wide outbreak. One of the issues they are looking at is to modify the quorum requirements in the Local Government Act 2002. Currently members have to be physically present to meet the quorum. If modified these would enable quorums to be met via electronic methods. Council has amended its Standing Orders to enable elected members to attend meetings via audio or audio-visual means, should that option be required.

## Options analysis

7. The key issue is how does the Council continue to function as effectively as it can yet limit risk of virus transmission and keep people safe as possible. In doing so, it must acknowledge a number of risks, including that staffing levels may be compromised, elected members may be confined to home, and the community's focus will be on more important matters than the ordinary course of Council business.
8. The Council has several options regarding its governance structures including:

### **Option 1 - Establishing a Covid 19 Response Committee (recommended option)**

#### Advantages

- i. Efficient and responsive
- ii. Fewer elected members needed to form a quorum
- iii. Requires fewer staff resources to support

#### Disadvantages

- iv. Limits community board input to decision making, but overcome by seeking community board members views when possible

### **Option 2 - Retain all decision making with the Council.**

#### Advantages

- Efficient and responsive
- Few elected members needed to form a quorum
- Requires fewer staff resources to support

#### Disadvantages

- Limits community board input to decision making, but overcome by seeking community board members views when possible
- Requires a higher quorum (5 members) for a meeting to commence.

### **Option 3 - Business as Usual**

#### Advantages

- Known processes
- Theoretically enables more community input

#### Disadvantages

- Increased risk of virus transmission
- Unable to achieve a quorum
- Compromised staff support may not allow meetings to occur and service member needs
- Physical distancing limits or stops community attendance/input

### **Option 4 - Keeping Committees operating but cease community board meetings.**

- There would be no advantage keeping the committees operating as the committees have no decision-making responsibility.
- Similarly, the Methven Community Board's decision-making is limited, however community board members' views would be sought when possible.

9. The proposed option gives the Council the greatest flexibility to make decisions and keep the Council running even at times when staff and elected member attendance may be severely compromised.
10. There are many risks facing the Council and the community arising from Covid-19. The most serious relate to the objective of limiting the spread of the disease. The major risk relates to actions being taken that increase the likelihood that the health and safety of people is compromised. The Government is seeking the use of physical distancing as the primary means (along with good hygiene) to limit the rate of disease transmission. The proposal helps reduce the risk.
11. Risk surrounding decision making, such as decisions not having as much community input as under the business as usual model. This risk can be lessened by receiving 'informal' views of people who are willing and able to proffer a view and for that to be taken into account the relevant decision makers.

12. The risks to workers (staff and elected members), as well as members of the public, need to be at the forefront of decision making. If we cannot provide a safe environment then we cannot function. With Covid-19 risks being potentially life threatening it is important we do all we can to reduce the transmission of the virus.
13. The Executive Team has reviewed this report and supports the recommendations.

## Legal/policy implications

Relevant legislation is the Local Government Act 2002, Schedule.

### **Local Government Act 2002: Clause 23 Schedule 7. Quorums**

- (1) A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.*
- (2) Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted.*
- (3) The quorum at a meeting of—*
  - (a) a local authority consists of—*
    - (i) half of the members if the number of members (including vacancies) is even; or*
    - (ii) a majority of members if the number of members (including vacancies) is odd; and*
  - (b) a committee—*
    - (i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and*
    - (ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority.*

### **Local Government Act 2002: Clause 32 Schedule 7. Delegations**

- Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—*
- (a) the power to make a rate; or*
  - (b) the power to make a bylaw; or*
  - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*
  - (d) the power to adopt a long-term plan, annual plan, or annual report; or*
  - (e) the power to appoint a chief executive; or*
  - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or*
  - (g) [Repealed]*
  - (h) the power to adopt a remuneration and employment policy.*
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).*

*(3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or to another committee or subordinate decision-making body, community board, or member or officer of the local authority, but, to avoid doubt, if doing so is itself a sub-delegation, the power to so delegate is subject to any conditions, limitations, or prohibitions imposed in connection with the primary delegation.*

## **Financial implications**

14. There are no financial implications from this decision, other than the time required by staff to support decision will be less, and cumulatively there will be less elected member input required as well. We will need to consider whether the current delegations are adequate for the current and projected circumstances, and further report will be provided to the Committee.

There will be some potentially significant costs associated with managing the Council during this time, but that will be subject to a separate report.

## **Significance and engagement assessment**

15. This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy. This decision must be made by the Council.
16. No wider community views have been sought.

There are very serious community implications from Covid-19. To support the community to the best of its ability the Council needs to be able to function, and when required, be able to make decisions for the benefit of the District. The proposed approach supports this.



# **Covid-19 Response Committee**

## **(Draft) Terms of Reference**

### **Purpose**

The COVID-19 Response Committee shall enjoy all the powers, duties and functions of the Council, except those seven listed in clause 32(1) Schedule 7, LGA 2002, (or any other legislative measures that may be implemented by Order of Council).

### **Membership**

Mayor (Chair)

All Councillors

The quorum is any two members.

### **Delegations**

The Committee shall be responsible for the following matters:

1. Approve expenditure not currently provided for the current Long Term Plan and Annual Plan to enable the Council to continue to operate and provide support to the Community to respond to the Covid-19 pandemic.
2. Approve funding for expenditure required to support the Covid-19 response.
3. Create, amend and modify currently agreed plans and timetables for community engagement and consultation.
4. Consider submissions and convene any hearings as part of the 2020/21 draft annual plan process, should Council determine that consultation is required.
5. Initiate a Special Consultative Procedure, or otherwise consult the community on matters related to the committee's activities and where the proposed consultation is not contrary to an established Council position.
6. To make any recommendations to the Council it considers appropriate.

### **Meeting Frequency and Support**

The Committee will meet initially on a weekly basis, and then as required.

The Committee meetings will be supported by the Chief Executive, and other staff as required.

*Adopted (TBC 25/05/20)*