



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

MEETING AGENDA

EMERGENCY COUNCIL

**Wednesday 25 March 2020
at 5pm**

**COUNCIL CHAMBER
LIARDET STREET
NEW PLYMOUTH**

Chairperson:

Mayor Neil Holdom

Members:

Cr Tony Bedford
Cr Sam Bennett
Cr Gordon Brown
Cr David Bublitz
Cr Anneka Carlson
Cr Murray Chong
Cr Amanda Clinton-Gohdes
Cr Harry Duynhoven
Cr Richard Handley
Cr Stacey Hitchcock
Cr Colin Johnston
Cr Richard Jordan
Cr Dinnie Moeahu
Cr Marie Pearce

Purpose of Local Government

The reports contained in this agenda address the requirements of the Local Government Act 2002 in relation to decision making. Unless otherwise stated, the recommended option outlined in each report meets the purpose of local government and:

- Promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

END



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**New Plymouth
District Council**

Health and Safety Message

In the event of an emergency, please follow the instructions of Council staff.

Please exit through the main entrance.

Once you reach the footpath please turn right and walk towards Pukekura Park, congregating outside the Spark building. Please do not block the footpath for other users.

Staff will guide you to an alternative route if necessary.

If there is an earthquake – drop, cover and hold where possible. Please be mindful of the glass overhead.

Please remain where you are until further instruction is given.

APOLOGIES

None advised

ADDRESSING THE MEETING

Requests for public forum and deputations need to be made at least one day prior to the meeting. The Chairperson has authority to approve or decline public comments and deputations in line with the standing order requirements.

PUBLIC FORUM

Public Forums enable members of the public to bring matters to the attention of the committee which are not contained on the meeting agenda. The matters must relate to the meeting's terms of reference. Speakers can speak for up to 5 minutes, with no more than two speakers on behalf of one organisation.

- None advised

DEPUTATIONS

Deputations enable a person, group or organisation to speak to the meeting on matters contained on the agenda. An individual speaker can speak for up to 10 minutes. Where there are multiple speakers for one organisation, a total time limit of 15 minutes, for the entire deputation, applies.

- None advised

REPORTS

- 1 Emergency Provisions for Covid-19 Response Period

END

EMERGENCY PROVISIONS FOR COVID-19 RESPONSE PERIOD

MATTER

1. The matter for consideration by the Council is establishment of emergency provisions to ensure governance functions can continue during the COVID-19 response period.

MAYORAL RECOMMENDATION

That having considered all matters raised in the report:

- a) **Due to the uncertainty around the impact of Covid 19 on the Taranaki economy the Council:**
 - i) **Broaden the scope of potential uses of the \$1.263m reserve established from the 2018/19 rates surplus to include NPDC's response to the Covid 19 pandemic to meet the needs of the region not supported by the range of central government initiatives.**
 - ii) **Allocate the remaining \$150,000 in the Council Agility fund for the 2019/20 financial year to the Economic Development and Covid19 reserve to support NPDC's response to the Covid 19 pandemic to meet the needs of the region not supported by the range of central government initiatives.**
- b) **The Council note the Economic Development and Covid 19 reserve is specifically set aside to meet emerging community needs which fall outside Central Government's response. The fund is not intended to be a reserve for NEMA or TEMO.**

Chief Executive Delegations

- c) **The Council delegates to the Chief Executive (and any Acting Chief Executive) all of the Council's powers, duties, and responsibilities that the Council can lawfully delegate to officers. These powers, duties, and responsibilities include the ability to enter into any contract or to authorise any level of expenditure. They do not include the powers, duties, and responsibilities that the Council has already delegated to the Chief Executive by resolution dated 28 February 2017 as set out in the Delegation to the Chief Executive section of the [New Plymouth District Council Delegations Register](#) or any other delegations in force at this time, or any authority to make any Council decisions under the Civil Defence Emergency Management Act 2002 (which shall be dealt with in accordance with that Act).**

This delegation is subject to the following conditions:

- **the delegated powers, duties, and responsibilities may be exercised only in circumstances where the Council, its committees, or its community boards are unable or unavailable to hold meetings that comply with the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987;**
- **the Chief Executive and any Acting Chief Executive must exercise the delegated powers, duties, and responsibilities in agreement with the Mayor (or, if the Mayor is unavailable, the Deputy Mayor or, if the Deputy Mayor is unavailable, the Chairperson of the relevant committee or community board or, if the Chairperson of the relevant committee or community board is unavailable, any Deputy Chairperson of the committee or community board);**
- **the Acting Chief Executive may exercise the delegated powers, duties, and responsibilities only in the event that the Chief Executive is unavailable; and**
- **any decisions made and documents executed in exercising the delegated powers, duties, and responsibilities must be reported to the next ordinary meeting of the Council.**

This delegation may be revoked at any time by the Council. In the event there is any inconsistency between this delegation and any other delegations made by the Council, this delegation takes precedence.

Standing Orders

- d) **The Council approve attendance at any meeting of the Council or a committee meeting by audio or audiovisual link for any member of the Council (or relevant committee) during the period of the COVID-19 response period.**
 - e) **The Council agree that in the event there is a legislative change to enable those attending via audio or audiovisual link to be counted as present for the purposes of the quorum, the following standing orders be amended:**
 - f) **Standing order 12.8 be amended to read:
Members who attend meetings by audio or audiovisual link will be counted as present for the purposes of a quorum.**
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- g) Standing Order 12.12A be inserted as follows:
In the event of an emergency (as determined by the presiding member) the notice to give two clear working days' written notice of a person's desire to participate (as required under Standing Order 2.12) may be waived, at the sole discretion of the presiding member.**

COMPLIANCE	
Significance	This matter is assessed as being critical
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Adopt the proposed emergency response provisions 2. Adopt an amended version of the emergency response provisions.
Affected persons	The persons who are affected by or interested in this matter are the New Plymouth District Mayor, Councillors and Management Team.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	Yes
Significant Policy and Plan Inconsistencies	Yes

BACKGROUND

Council responsiveness

2. Given the high level of uncertainty around the impact of the shift to level 4 of New Zealand's Covid-19 response for a period of at least four weeks commencing 11.59pm Wednesday 25 March 2020 and the implications of the lockdown on Council's ability to conduct meetings due to legal requirements around physical quorums, NPDC is looking to ensure the organisation has the ability to quickly respond to meet emerging community needs not budgeted for in the long term plan or the responsibility of Central Government.
3. NPDC had previously allocated these funds to assist in economic development or in the case of the agility fund to meet unexpected urgent needs not able to be met through annual or long term plan budgets.

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4. NPDC has a leadership role to play in supporting the region through a period of unprecedented change and uncertainty.
 5. Broadening the scope under which the current economic development reserve and remainder of the current agility fund can be applied will have no impact on current or future rates in the district but will allow NPDC to quickly respond to emerging community needs which are not covered by the central government response.

Chief Executive Delegations

6. The Council is concerned about the Coronavirus (COVID-19) pandemic or epidemic in New Zealand. It is therefore recommended that Council provide additional powers to the Chief Executive under the oversight of the Mayor, Deputy Mayor or relevant Chairs Deputy Chairs or Community Board Chairs or Deputy Community Board Chairs to ensure there is a mechanism for ensuring lawful decision-making if needed.
7. Accordingly, it is recommended that the Council delegates to the Chief Executive (and any Acting Chief Executive) all of the Council's powers, duties, and responsibilities that the Council can lawfully delegate to officers. These powers, duties, and responsibilities include the ability to enter into any contract or to authorise any prudent level of expenditure. They do not include the powers, duties, and responsibilities that the Council has already delegated to the Chief Executive by resolution dated 28 February 2017 as set out in the Delegation to the Chief Executive section of the [New Plymouth District Council Delegations Register](#) or any other delegations in force at this time, or any authority to make any Council decisions under the Civil Defence Emergency Management Act 2002 (which shall be dealt with in accordance with that Act).

Standing Orders and Strategy and Operations Committee

8. There are some legislative constraints around quorums under the LGA 2002.
 9. For Council meetings, the legislative requirement is that half of the members need to be physically present, where the number of members (including vacancies) is even; and a majority of the members need to be physically present, where the number of members (including vacancies) is odd. Once this quorum of members physically present is reached the remaining members could participate and vote through audio or visual means (Clause 23 (3)(a) and 25A(4) of Schedule 7 of the LGA 2002).
 10. Any member wishing to attend via audio or audio visual means requires approval of the meeting chairperson. This report recommends that approval for attendance in that manner is pre-approved during the Covid-19 response period.
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11. At NPDC, the quorum for committee meetings have generally been the same as for Council.
 12. There is discussion with DIA to have some of the rules around these legislative quorum matters relaxed during the pandemic period. However, this matter is not a simple one as the key legislative constraints are primarily statutory not regulatory. Changes to statutes require Parliamentary approval. However, an Order in Council could be made by the Governor-General (acting on advice from central government) under sections 12 or 15 of the Epidemic Preparedness Act 2006 to suspend or amend legislative requirements to enable compliance for the duration of the emergency. The local government content of what could be included in a potential Order is being looked at with urgency by LGNZ, SOLGM and DIA.
 13. Clause 23 (3) (b) of Schedule 7 of the LGA 2002 provides for a committee quorum to be set at two members, which must include at least one member of the local authority. As such, there is an option for the Council to amend the quorum for the Strategy and Operations Committee (as the committee with the widest delegations possible) to enable two members to be physically present (which would meet the current legislative requirement). The remainder of the members could attend via audio-visual link. It would make sense for the Chairperson and one other member to be the two members physically present.
 14. This has not been specified in the recommendation to provide for greater flexibility however this might be something to consider and include.
 15. The other committees of Council, and the community boards are not expected to have a need to meet during the period of the Covid-19 response. The Strategy and Operations Committee would only meet as needed.
 16. In the event that there is a legislative change to enable audio-visual participation by all elected members for the duration of the emergency, it is recommended that the Council agree to a change in Standing Orders to enable those attending via audiovisual link to be counted as present for the purposes of the quorum. This would remove the need for the full Council to meet to resolve any matters where the Council is unable to delegate authority or where a matter has not been covered in delegation to a committee, the Chief Executive or staff.

SIGNIFICANCE AND ENGAGEMENT

17. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being critical because it affects the governance of the district. Due to the emergency situation of Covid-19, no public consultation has been undertaken or will be undertaken.
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OPTIONS

- 18. The response to Covid-19 is constantly changing. The recommendations within this report are based on information at the time the report was drafted.
- 19. Other options may come to light between release of the agenda and the meeting.

Recommended Option

This report recommends option 1 for addressing the matter.

Appendix One – New Zealand COVID-19 Alert Levels

Report Details

Prepared By: Craig Stevenson (Chief Executive)
Approved By: Neil Holdom (Mayor)
Ward/Community: District Wide
Date: 24 March 2020
File Reference: ECM 8268497

-----*End of Report*-----

New Zealand COVID-19 Alert Levels



- These alert levels specify the public health and social measures to be taken.
- The measures may be updated on the basis of (i) new scientific knowledge about COVID-19 and (ii) information about the effectiveness of intervention measures in New Zealand and elsewhere.
- The alert levels may be applied at a town, city, territorial local authority, regional or national level.
- Different parts of the country may be at different alert levels. We can move up and down alert levels.
- In general, the alert levels are cumulative, e.g. Level 1 is a base-level response. Always prepare for the next level.
- At all levels, health services, emergency services, utilities and goods transport, and other essential services, operations and staff, are expected to remain up and running. Employers in those sectors must continue to meet their health and safety obligations.

LEVEL	RISK ASSESSMENT	RANGE OF MEASURES (can be applied locally or nationally)
Level 4 - Eliminate Likely that disease is not contained	<ul style="list-style-type: none"> • Sustained and intensive transmission • Widespread outbreaks 	<ul style="list-style-type: none"> • People instructed to stay at home • Educational facilities closed • Businesses closed except for essential services (e.g. supermarkets, pharmacies, clinics) and lifeline utilities • Rationing of supplies and requisitioning of facilities • Travel severely limited • Major reprioritisation of healthcare services
Level 3 - Restrict Heightened risk that disease is not contained	<ul style="list-style-type: none"> • Community transmission occurring OR • Multiple clusters break out 	<ul style="list-style-type: none"> • Travel in areas with clusters or community transmission limited • Affected educational facilities closed • Mass gatherings cancelled • Public venues closed (e.g. libraries, museums, cinemas, food courts, gyms, pools, amusement parks) • Alternative ways of working required and some non-essential businesses should close • Non face-to-face primary care consultations • Non acute (elective) services and procedures in hospitals deferred and healthcare staff reprioritised
Level 2 - Reduce Disease is contained, but risks of community transmission growing	<ul style="list-style-type: none"> • High risk of importing COVID-19 OR • Uptick in imported cases OR • Uptick in household transmission OR • Single or isolated cluster outbreak 	<ul style="list-style-type: none"> • Entry border measures maximised • Further restrictions on mass gatherings • Physical distancing on public transport (e.g. leave the seat next to you empty if you can) • Limit non-essential travel around New Zealand • Employers start alternative ways of working if possible (e.g. remote working, shift-based working, physical distancing within the workplace, staggering meal breaks, flexible leave arrangements) • Business continuity plans activated • High-risk people advised to remain at home (e.g. those over 70 or those with other existing medical conditions)
Level 1 - Prepare Disease is contained	<ul style="list-style-type: none"> • Heightened risk of importing COVID-19 OR • Sporadic imported cases OR • Isolated household transmission associated with imported cases 	<ul style="list-style-type: none"> • Border entry measures to minimise risk of importing COVID-19 cases applied • Contact tracing • Stringent self-isolation and quarantine • Intensive testing for COVID-19 • Physical distancing encouraged • Mass gatherings over 500 cancelled • Stay home if you're sick, report flu-like symptoms • Wash and dry hands, cough into elbow, don't touch your face