

SOUTH WAIRARAPA DISTRICT COUNCIL

20 MAY 2020

AGENDA ITEM B2

REVIEW OF COVID-19 EMERGENCY MEASURES AND REINSTATEMENT OF COUNCIL COMMITTEES

Purpose of Report

To review the COVID-19 emergency measures put in place on the 25 March 2020 and to seek agreement to reinstate Council committees at L1 or L2 COVID-19.

Recommendations

Officers recommend that the Council:

1. *Receive the Review of COVID-19 Emergency Measures and Reinstatement of Council Committees Report.*
2. *Notes that the Emergency Committee is not operational in L1 or L2 of COVID-19, however if the country enters L3 or L4 of COVID-19, then the Emergency Committee is automatically operational within this triennium.*
3. *Agrees that for the purposes of the COVID-19 emergency, that the Emergency Delegation to the Chief Executive remains in place and will be reviewed under L1 COVID-19.*
4. *Reinstates Council committees and subcommittees to operate during L1 or L2 of COVID-19 but, with the exception of the Finance, Audit and Risk Committee, suspends committees and subcommittees if there is a return to L3 or L4 of COVID-19.*

1. Executive Summary

The Emergency Provisions for Lawful Decision-Making During the COVID-19 Pandemic Report was considered by Council on the 25 March 2020.

The emergency measures agreed were necessary, as central government had not at that time invoked the Epidemic Preparedness Act 2006 in order to modify legislation to permit lawful decisions to be made at meetings held remotely (see paragraph 2.4 below for further details).

Council resolved to suspend all committees and appointed the Emergency Committee to operate under L3 and L4 of the COVID-19 pandemic. Emergency delegations would be reviewed when the alert status reverts back to L2 COVID-19. As the country has now moved to L2 COVID-19, staff are able to return to the office safely, and Council is

able to offer more than just essential services, it is appropriate to allow Council committees to operate at L1 or L2 COVID-19.

Council are asked to agree that the Chief Executive retains the COVID-19 Emergency Delegation approved on the 25 March 2020, with a review to occur at L1 COVID-19.

2. Discussion

Although NZ has had a very low level of COVID-19 community transmission and has undergone extensive testing to ensure the virus is not circulating undetected, the risk of new clusters occurring as the country enters lower levels of alert remains. The risk of NZ entering a L3 or L4 COVID-19 lockdown due to multiple clusters and cross regional contact and even international contact occurring also remains. In addition, the Epidemic Preparedness (COVID-19) Notice 2020 expires on the 25 June 2020, and along with it the emergency legislation that legally permits decisions to be made at meetings held remotely. The Notice may be revoked earlier than the expiry date or renewed.

2.1 Emergency Committee to be operational in L3 and L4

The Emergency Committee was activated to operate during L3 and L4 COVID-19. This means that the Emergency Committee is automatically operational should NZ return to L3 or L4 unless Council resolves to suspend or disestablish the Committee prior to the end of the triennium. It is recommended that the Emergency Committee continue to be operational during L3 and L4 in the event that temporary legislation is not in place should levels return to L3 or L4.

2.2 Retaining Emergency Delegations to the Chief Executive

It is also recommended that the Emergency Delegation to the Chief Executive remain in place as the delegation can only be exercised under strict circumstances. It is recommended that the delegation be reviewed when NZ returns to L1 COVID-19.

For clarity, those delegations are as follows:

1. *For the purposes of the COVID-19 emergency, delegates to the Chief Executive all the Council's powers, duties, and responsibilities that the Council can lawfully delegate to officers, including the ability to enter into any contract and/or to authorise any level of expenditure ("Emergency Delegation"). This Emergency Delegation does not include (or limit) the powers, duties, and responsibilities that the Council has already delegated to the Chief Executive under 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 Emergency Delegation is subject to the following conditions:*
 - a. *It may be exercised only in circumstances where the Council or Emergency Committee 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;*
 - b. *The Chief Executive may only exercise the Emergency Delegation in consultation 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).*

- c. *Any decisions made and documents executed in exercising the Emergency Delegation must be reported to the next ordinary meeting of the Council.*
- d. *This Emergency Delegation may be revoked at any time by the Council.*
- e. *In the event there is any inconsistency between this Emergency Delegation and any other delegation made by the Council, this Emergency Delegation takes precedence. For the avoidance of doubt, this means that the contract value and other limits specified in the Chief Executive's delegations will not apply while this Emergency Delegation is in effect, thus enabling the Chief Executive to approve these no matter the contract value or contract variation parameters during the effective period of this Emergency Delegation.*

2.3 Reinstating Committees and Subcommittees

The Finance, Audit and Risk Committee (FAR) was reinstated by Council on 29 April 2020 and is meeting on the 21 May 2020.

It is recommended that all Council committees and subcommittees be reinstated to operate during L1 or L2 COVID-19. At L1 and L2 COVID-19 business returns to normal and Council officers are able to return to the office safely and undertake more than essential services. Should NZ re-enter L3 or L4 COVID-19, then business restrictions will return and all committees and subcommittees except FAR should once again be suspended.

There is merit in allowing FAR to continue meeting, assuming legislative measures are in place, to allow lawful decision making remotely, so that expenditure and risk are closely monitored.

2.3.1. Options

The options are to reinstate Council committees and subcommittees, or not to reinstate Council committees or subcommittees. There is no practical reason to reinstate one of the remaining suspended committees before another so a partial reinstatement has not been considered. Committee meetings are shorter in duration, involve fewer people and contribute to full Council being of a shorter duration. This is seen as an advantage for reinstating committees at L1 and L2 COVID-19, along with the usual governance reasons that committees operate.

2.3.2. Meeting Schedule

An amended meeting schedule is proposed in Table 1. Given that committees have not met since February 2020, it is recommended that the Planning and Regulatory Committee and the Assets and Services Committee meet at the earliest opportunity; which given other commitments is the 17 June. If there are no decision papers for the committee meetings scheduled for the 1 July, officers will liaise with the chairs with a view to cancelling those scheduled meetings. The July meetings are scheduled two weeks after the proposed 17 June meetings.

The alternative option is to hold only the scheduled July committee meetings. It is not recommended that the July meetings be moved, as this compresses the time between the next set of scheduled meetings. If additional meetings were required outside of the adopted schedule of meetings, due to business that could not wait, an extraordinary meeting could be held.

Table 1

June Meetings		July Meetings	
3 June	Council	1 July	Assets and Services Committee
4 June	Maori Standing Committee	1 July	Planning and Regulatory Committee
10&11 June	Annual Plan Hearings	2 July	Martinborough Community Board
17 June	Planning and Regulatory Committee	22 July	Council
17 June	Assets and Services Committee		
22 June	Maori Standing Committee		
24 June	Finance, Audit & Risk Committee		
24 June	Greytown Community Board		
30 June	Council		
30 June	Featherston Community Board		

2.4 Legal Implications

The COVID-19 Response (Urgent Management Measures) Legislation modifies sections of the Local Government Act 2002 and the Local Government Meetings and Official Information and Meetings Act 1987 while the Epidemic Preparedness (COVID-19) Notice 2020 is in force. The modifications allow members to attend a meeting via an audio-visual link and for their attendance to be counted for the purposes of achieving a quorum. Provisions were put in place to ensure public access to the decision making process. The epidemic notice expires on 25 June 2020 unless it is revoked earlier or renewed.

Along with acting within the legal framework, Council is closely monitoring and following the latest advice from the NZ Government on COVID-19 relating to business operations. Local Government NZ and the Society of Local Government Managers are working with government officials to obtain an agreed position for implementing the national advice within a council environment.

Recommendations in this report are aligned to legislation and NZ Government advice on COVID-19.

2.5 Financial Considerations

There are no financial implications.

3. Conclusion

Officers recommend that Council move to reinstate committees for L1 and L2 COVID-19. This allows governance to return to normal in step with Council operations. Other COVID-19 emergency measures should be retained in case of a return to L3 or L4 COVID-19 provisions.

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