

Notice is hereby given that an extraordinary meeting of Horowhenua District Council will be held on:

**Date:** Monday 23 March 2020  
**Time:** 4.00 pm  
**Meeting Room:** Council Chambers  
**Venue:** 126-148 Oxford St  
Levin

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## Council OPEN AGENDA

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### MEMBERSHIP

|                          |                           |                   |
|--------------------------|---------------------------|-------------------|
| <b>Mayor</b>             | Mr Bernie Wanden          |                   |
| <b>Deputy Mayor</b>      | Mrs Jo Mason              |                   |
| <b>Councillors</b>       | Mr Todd Isaacs            |                   |
|                          | Mr Sam Jennings           |                   |
|                          | Mrs Victoria Kaye-Simmons |                   |
|                          | Mrs Christine Mitchell    |                   |
|                          | Ms Piri-Hira Tukapua      |                   |
| <b>Reporting Officer</b> | Mr David Clapperton       | (Chief Executive) |
| <b>Meeting Secretary</b> | Ms Sue Hori Te Pa         |                   |

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Full Agendas are available on Council's website  
[www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

Full Agendas are also available to be collected from:  
Horowhenua District Council Service Centre, 126 Oxford Street, Levin  
Te Awahou Nieuwe Stroom, Foxton,  
Shannon Service Centre/Library, Plimmer Terrace, Shannon  
and Te Takeretanga o Kura-hau-pō, Bath Street, Levin



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**1 Apologies**

**2 Declarations of Interest**

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

**3 Announcements**



# Emergency Provisions for COVID-19

File No.: 20/112

## 1. Purpose

For Council to consider extraordinary measures for emergency decision making and governance processes and approve special delegations in light of the current COVID-19 situation.

## 2. Recommendation

2.1 That Report 20/112 Emergency Provisions for COVID-19 be received.

2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

2.3 That the Horowhenua District Council approves the following provisions:

- (i) the establishment of an Emergency Committee with a membership of three (3), consisting of His Worship the Mayor Bernie Wanden as the Chair, Deputy Mayor Jo Mason as the Committee Deputy Chair, and Deputy Chair of the FAR Committee, Councillor Christine Mitchell.
- (ii) the adoption of the Emergency Committee's Terms of Reference.
- (iii) for the purposes of the COVID-19 emergency, the delegation to the Mayor, in conjunction with the Deputy Mayor, the authority to activate the Emergency Committee and by resolution of the Emergency Committee, suspend all other core committees of Council.
- (iv) for the purposes of the COVID-19 emergency, approves the Chief Executive's financial delegation being set at \$2million, to allow for any unanticipated urgent expenditure, with any such unanticipated expenditure to be reported back to the Emergency Committee.
- (v) the delegation of the authority and powers of the Chief Executive to:
  - (a) Deputy Chief Executive, Nicki Brady, as Acting Chief Executive in the event that the Chief Executive is unable to fulfil his duties due to COVID-19; and
  - (b) agrees where the delegated Acting Chief Executive is unable to fulfil such duties due to COVID-19, the Chief Executive's delegated authority and powers will deescalate to the next designated Group Manager:

|                    |  |
|--------------------|--|
| Brent Maguire      | Group Manager – Infrastructure Development |
| David McCorkindale | Group Manager – Customer & Strategy        |
| Kevin Peel         | Group Manager – Infrastructure Operations  |
| Lisa Slade         | Group Manager – People & Culture.          |
- (vi) the delegation to the Chief Executive (and the Deputy 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 (and Deputy 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 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 Deputy Chief Executive must exercise the delegated powers, duties, and responsibilities 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 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 Deputy 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.

2.4 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

### **3. Background/Previous Council Decisions**

3.1 As the COVID-19 situation continues to evolve, Council's approach (both Elected Members and management) is to focus on the health and wellbeing of our people, as our first priority, and to take an informed approach that is sensible, balanced and respectful of our diverse community. Council is doing this by ensuring its approach is based on the expert medical advice of the Ministry of Health and as directed by our Prime Minister.

3.2 This balanced approach aims to take into account the health and wellbeing impacts of COVID-19 itself, and the secondary consequences of any response made by Council. This includes impacts on our country's health system and the ability to provide care to those that need it, minimizing disruption of service to, and the potentially damaging economic impacts on, our community.

3.3 As there is more understanding and reflection on the growing body of information about COVID-19, it is felt important to take a calm and balanced view which will evolve over time, making sensible assumptions about the likely impacts and to focus efforts on practical, meaningful responses. Responses are being actively evaluated based on the reality of their effectiveness and being guided by the health authorities.

3.4 The spread of COVID-19 will impact on where our people work, including: some taking time to rest and recover if they become ill, and others working from as a preventative measure. Council has a robust IT remote access infrastructure in place, enabling our staff to work remotely.

### **4. Issues for Consideration**

#### **4.1 Establishing an Emergency Committee**

International experience indicates that measures are required to be put in place should the Council be unable to meet collectively, either physically or in a virtual meeting room environment, to consider and make decisions on urgent matters. To prepare for such an event, it is advisable that an Emergency Committee be established to ensure decisions can be made as quickly as possible where required. The Terms of Reference have been modelled on various councils across the country.



In the interests of effective and timely decision making in an emergency environment, it is proposed the membership consists of three: the Chair, Deputy Chair and one Committee Deputy Chair whose Terms of Reference the matter of urgency falls under. There one of the members is unable to fulfil their duties for whatever reason, an alternative Committee Chair will be required to undertake the role of member.

The provisions of calling an emergency meeting is identified in Horowhenua District Council's Standing Orders 8.5 and may be called by the Committee Chair, or if unavailable the Chief Executive. The process for calling Emergency Meetings, including public notices, is also in accordance with Standing Orders 8.6 and 8.7.

Where an Emergency Meeting has been called, Councillors will be notified details by email. Agendas and Minutes of Emergency Meetings will also be circulated to Councillors.

After the event for which the Emergency Committee has been called, Council will receive a report summarizing the Committee's activity and any decisions made over the period. At that point it will be recommended that Council deactivate the Emergency Committee and the Chief Executive's emergency delegations.

#### 4.2 Emergency Committee's Terms of Reference

|                           |  |  |
|---------------------------|--|--|
| <i>Membership</i>         | Chairperson<br>Deputy Chairperson<br>Members<br>Quorum<br>Meeting Frequency  | Mayor<br>Deputy Mayor<br>FAR Committee Deputy Chair<br>Two members<br>As required. |
| <i>Purpose</i>            | To determine matters within the authority of Council where the urgency of those matters precludes a full meeting of the Council, or emergency legislation is enacted.  |  |
| <i>Role</i>               | To exercise all Council functions that cannot be exercised by the Council using its standard processes and procedures due to a pandemic, other natural disaster or state of emergency, except for those that: <ul style="list-style-type: none"><li>- have been delegated to staff</li><li>- cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation.</li></ul> |  |
| <i>Power to Act</i>       | The Emergency Committee can only be activated by resolution of Council for specific events, or where resolution by Council is not possible, on the joint authority of the Mayor and Deputy Mayor.  |  |
| <i>Power to Recommend</i> | The Emergency Committee reports to the Horowhenua District Council.  |  |

#### 4.3 Chief Executive's Emergency Financial Delegations

In anticipation of a COVID-19 national lockdown, a situation may arise where payment or procurement of unexpected work or purchase of items may be required. Council's approval is therefore sought to ensure appropriate financial delegations are in place to enable the Chief Executive to respond immediately during these unprecedented times. Any such expenditure will be communicated to the Mayor and Deputy Mayor and reported formally through the Emergency Committee.

#### 4.4 Acting Chief Executive Delegations

In the unlikely event that the Chief Executive is unable to undertake his responsibilities due to COVID-19, Council is asked to approve the recommended delegation chain to the Group

Managers. The recommendation suggests a deescalating hierarchy in the event of the Acting Chief Executive also becoming unwell and unavailable to undertake delegated duties.

#### 4.5 Budget Implications

There are no foreseen current year and future budget implications in relation to changes to emergency governance requirements or the Chief Executive's delegation arrangements in response to COVID-19 precautions.

#### 4.6 Community Outcomes

This item/project directly contributes to all the Community Outcomes in the Council's Long Term Plan 2018-2038.

## Attachments



There are no attachments for this report.

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

|             |  |   |
|-------------|--|---|
| Author(s)   | David Clapperton<br><b>Chief Executive</b> |  |
| Approved by | David Clapperton<br><b>Chief Executive</b> |  |