



Notice is hereby given that an Emergency Meeting of Southland District Council will be held on:

Date: Tuesday, 24 March 2020
Time: 3.30pm
Meeting Room: Council Chamber
Venue: 15 Forth Street
Invercargill

Emergency Council Agenda OPEN

MEMBERSHIP

Mayor	Mayor Gary Tong
Deputy Mayor	Ebel Kremer
Councillors	Don Byars
	John Douglas
	Paul Duffy
	Bruce Ford
	Darren Frazer
	George Harpur
	Julie Keast
	Christine Menzies
	Karyn Owen
	Margie Ruddenklau
	Rob Scott

IN ATTENDANCE

Chief Executive	Steve Ruru
Committee Advisor	Fiona Dunlop

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Full agendas are available on Council's Website
www.southlanddc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

TABLE OF CONTENTS

ITEM	PAGE
PROCEDURAL	
1 Apologies	5
2 Leave of absence	5
3 Conflict of Interest	5
4 Public Forum	5
5 Extraordinary/Urgent Items	5
REPORTS - OPERATIONAL MATTERS	
6.1 Services and Assets Committee delegations and Emergency Committee for the COVID-19 response	7
PUBLIC EXCLUDED	
Nil	

1 Apologies

At the close of the agenda no apologies had been received.

2 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

3 Conflict of Interest

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

4 Public Forum

Notification to speak is required by 5pm at least two days before the meeting. Further information is available on www.southlanddc.govt.nz or phoning 0800 732 732.

5 Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting,-

- (a) that item may be discussed at that meeting if-
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

Services and Assets Committee delegations and Emergency Committee for the COVID-19 response

Record No: R/20/3/6793

Author: Rex Capil, Group Manager Community and Futures

Approved by: Steve Ruru, Chief Executive

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 This report seeks approval for proposed changes to the delegations for the Services and Assets Committee and to form an Emergency Committee during the period of the COVID-19 pandemic event.

Executive Summary

- 2 Council is currently considering the effects of the COVID-19 pandemic event.
- 3 The long term impacts of COVID-19 are unknown and create a high degree of uncertainty for all. In preparation for this situation Council has a responsibility to ensure it continues to function to best serve its communities and deliver services accordingly.
- 4 With the uncertain nature of the overall impact of the COVID-19 event and uncertainty around the length of time the impact may affect Council and its communities there is a need for Council to review its current governance structure and delegations to ensure that governance decisions can continue to be made throughout the event.
- 5 One of the implications of the COVID-19 event is related to person to person contact and appropriate social distancing. There are also issues related to people to self-isolate or becoming unwell. This raises the question about attendance at meetings and the possibility of a number of councillors not being able to undertake their normal duties and hence having an impact on the decisionmaking roles and responsibilities of Council to ensure that it continues to function during the event.
- 6 Council is requested to consider revising the delegations of the Services and Assets Committee to deal with its quorum, scope of activities and power to act during the period of the COVID-19 pandemic event.
- 7 In addition it is also proposed that an Emergency Committee be formed so that it can make decisions on behalf of Council should it not be practical to utilise the Services and Assets Committee and/or full Council.

Recommendation

That the Council:

- a) **Receives the report titled “Services and Assets Committee delegations and Emergency Committee for the COVID-19 response” dated 23 March 2020.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approves the revised delegations to the Services and Assets Committee during the period of the COVID-19 pandemic event, specifically being:**
 - (i) **Change the quorum from being ‘Not less than seven members’ to being ‘A minimum of two members physically present with at least five other members attending by way of being physically present, by audio link or by audio visual link.’**
 - (ii) **Add into scope of activities ‘The committee is also responsible for making decisions on urgent matters relating to all Council services during the period of the COVID-19 pandemic event.’**
 - (iii) **Add to the delegations power to act ‘(i) approve and/or assign all contracts for work, services or supplies for unbudgeted expenditure up to \$10 million and noting this excludes the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan.’**
- e) **Approves the formation of an Emergency Committee for the period of the COVID-19 pandemic event with a membership of three councillors being Mayor Tong, Deputy Mayor Kremer and Cr Douglas.**
- f) **Agrees that in the event that a member of the Emergency Committee is not able to fulfil their duties as a member of that committee then Cr Menzies, will in the first instance become a member of the committee followed by Cr Scott in the second instance.**
- g) **Approves the terms of reference for the Emergency Committee outlined in Attachment B.**
- h) **Directs the Chief Executive to report back to Council in December 2020 to enable it to determine whether the COVID-19 pandemic is continuing or has ended.**

Background

- 8 Council approved the terms of reference and delegations for the 2019-2022 governance structure at its meeting on 1 November 2019. This included the terms of reference for the Services and Assets Committee.
- 9 As a result of the uncertainties created by the recent COVID-19 pandemic event situation, Council is requested to consider revising the delegations of the Services and Assets Committee to deal with its quorum, scope of activities and power to act during the period of the COVID-19 pandemic event. This change is proposed given that the quorum requirements for Council, which in accordance with schedule 7 of the Local Government Act 2002, require at least seven members to be physically present. The same restriction does not apply to committees.
- 10 To provide an extra protection mechanism it is also proposed that Council agree to form an Emergency Committee that can be utilised in situations where it is not practical to pull together a meeting of the Services and Assets Committee. These changes would continue to apply for the period of the COVID-19 pandemic event.
- 11 The proposed new delegations for both the Services and Assets Committee and Emergency Committee are attached (Attachment A) for approval.
- 12 The delegations proposed for the Emergency Committee are more extensive than the amendments proposed for the Services and Assets Committee. This has been done so that the committee has the ability to address any eventuality that may develop during the COVID-19 event.

Issues

- 13 There is a need for Council to review the governance arrangements that it has in place for ensuring that governance decisions can continue to be made throughout the COVID-19 event.
- 14 The proposed changes to the delegations for the Services and Assets Committee and delegations for the Emergency Committee recognise the rapidly changing nature of the COVID-19 and that it is possible during the event that a number of councillors may not be able to undertake their normal duties. Hence, the proposed changes attempt to ensure that the issues and risks related to the pandemic event are considered and minimised for Council and the communities it serves.

Factors to Consider

Legal and Statutory Requirements

- 15 The Southland District Council Standing Orders adopted by Council on 1 November 2019 detail the requirements for a quorum and also detail requirements for attendance at meetings.
- 16 Section 11.1 of standing orders details specifically a quorum for a meeting of Council is:
 - (a) half of the members physically present, where the number of members (including vacancies) is even; and
 - (b) a majority of the members physically present, where the number of members (including vacancies) is odd.

Emergency Council

24 March 2020

- 17 The quorum for Council is a legislative requirement of the Local Government Act 2002 cl. 23 (3)(a) Schedule 7. Council can not alter this legislative requirement. Where this has implications is with regard to the need for members to be physically present.
- 18 Section 11.2 of standing orders details specifically a quorum for committees and subcommittee meetings. A Council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. The Local Government Act 2002 cl. 23 (3)(b) Schedule 7 requires a quorum for a committee is not fewer than two (2) members of the committee.
- 19 The difference for a quorum for Council and for a quorum for a committee is that Council can set the quorum for its committees (as long as it is not fewer than two (2) members) but cannot alter the quorum for Council as per the Local Government Act 2002.
- 20 In regards to attending by audio or audio visual link, Section 13.7 of standing orders details the member's right to attend by audio or audio visual link. Provided the chairperson gives approval to attend meetings by electronic link as per standing orders 13.11 and the request is made accordingly as per standing orders 13.12 then members are able to attend committee meetings by means of an electronic link.
- 21 It is noted as per section 13.8 and 13.9 of standing orders, members who attend committee meetings by electronic link will not be counted as present for the purposes of a quorum (this is as per cl. 25A (4), Schedule 7 of the Local Government Act 2002); and where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

Community Views

- 22 Community views have not been sought on this matter as it is an extraordinary situation and requires immediate action by Council to allow it to be prepared and continue to function and best serve its communities during the period of the COVID-19 pandemic event. The community would expect Council to proceed and make the decisions necessary during such an event.

Costs and Funding

- 23 There are no extraordinary costs or funding implications as a result of the revision of the Services and Assets Committee terms of reference or the proposal to form an Emergency Committee.

Policy Implications

- 24 There are no direct policy implications in the revision of the Services and Assets Committee terms of reference or the formation of an Emergency Committee.

Analysis

Options Considered

- 25 There are three options for Council to consider. These are to approve the Services and Assets Committee revised delegations and formation of an Emergency Committee (option 1), to just approve the formation of an Emergency Committee (option 2) or Do Nothing (option 3).

Analysis of Options

Option 1 – Approve the revised Services and Assets Committee delegations and formation of an Emergency Committee

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Assists in preparing Council for greater agility to support its governance and decision making role in response to the COVID-19 pandemic event.• Will allow for all councillors to be involved in a number of important decisions where matters can be considered by the Services and Assets committee.• Provides clarity as to the delegations regarding the Services and Assets Committee revised delegations during the period of the COVID-19 pandemic event.• Provides flexibility with the Emergency Committee being able to operate where it is not practical for the Services and Assets Committee to be involved and/or there is a degree of urgency required.• Enables Council to continue to function effectively during the period of the COVID-19 pandemic event.	<ul style="list-style-type: none">• There are no disadvantages to this option.

Option 2 – Approve formation of an Emergency Committee only

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Provides Council with greater agility to make governance decisions during the period of the COVID-19 pandemic event.• Provides flexibility with the Emergency Committee being able to operate where it is not practical for the Services and Assets Committee to be involved and/or there is a degree of urgency required.• Enables Council to continue to function effectively during the period of the COVID-19 pandemic event.	<ul style="list-style-type: none">• Does not allow for a scenario in which all councillors able to undertake their normal duties can potentially be involved the decision-making process.

Option 3 – Do Nothing

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">Decision-making would continue to be made using the existing governance structures including full Council.	<ul style="list-style-type: none">This could limit the ability for Council to effectively function in times where the community it serves requires leadership and direction from Council.It would potentially expose council elected members and staff to be at risk from a public health perspective.Council may not be able to meet at certain times due to the inability to get the required 7 members together physically in the one place.

Assessment of Significance

- 26 The decision is not considered significant in relation to Council's Significance and Engagement Policy.
- 27 However in assessing its significance it is noted that it does acknowledge the Significance and Engagement Policy. In so doing it is recognised that the decision will assist in ensuring Council is in a strong position to perform its role. It also supports Council in taking a leadership role in supporting the current and future social, economic, environmental and cultural wellbeing of the district.

Recommended Option

- 28 It is recommended to Council that they approve the Services and Assets Committee revised delegations and the formation of an Emergency Committee during the period of the COVID-19 pandemic event.

Next Steps

- 29 If Council approves the recommendations the delegation manual will be updated and the Council can operate accordingly within the revised delegations.

Attachments

- A Services and Assets Committee - revised delegation 14 March 2020 tracked changes [↴](#)
- B COVID-19 Emergency Committee - Terms of Reference [↴](#)

8.4.3 Services and Assets Committee

TYPE OF COMMITTEE	Council standing committee
RESPONSIBLE TO	Council
SUBCOMMITTEES	None
LEGISLATIVE BASIS	Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	The Services and Assets Committee is a committee of the whole Council. The mayor and all the councillors will be members of the Services and Assets Committee.
FREQUENCY OF MEETINGS	Six weekly or as required
QUORUM	A minimum of two members physically present with at least five other members attending by way of being physically present, by audio link or by audio visual link.
SCOPE OF ACTIVITIES	<p>The Services and Assets Committee is responsible for ensuring that Council delivers its infrastructural asset based services in an effective and efficient manner that meets the needs of its communities and protects the investment that Council has in these assets.</p> <p>The committee is responsible for overseeing the following Council activities:</p> <ul style="list-style-type: none"> • transport • property management including community facilities, acquisitions and disposals (including land dealings) • forestry • water supply, wastewater and stormwater • solid waste management • flood protection • waste management • Te Anau airport • Stewart Island Electrical Supply Authority • Stewart Island Jetties and Riverton Harbour • water supply schemes. <p>The committee is also responsible for making decisions on urgent matters relating to all Council services during the period of the COVID - 19 pandemic event.</p>
DELEGATIONS	<p>The Services and Assets Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers:</p> <p>Power to Act</p> <p>The committee has the delegated authority to:</p> <ol style="list-style-type: none"> assess and provide advice to Council on the strategic issues relating to the delivery of infrastructural asset services

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	<p>b) reviewing and recommending to Council strategies on how it should go about managing the delivery of the infrastructural asset services that it provides</p> <p>c) monitor the condition and performance capability of the infrastructural assets owned by Council so as to ensure that it protects its investment in these assets in accordance with accepted professional standards</p> <p>d) monitor the delivery of capital works projects and the implementation of the capital works programme</p> <p>e) monitor the delivery of operations and maintenance contracts</p> <p>f) approve and/or assign all contracts for work, services or supplies where those contracts relate to work within approved estimates. Where the value of the work, services, supplies or business case or the value over the term of the contract is estimated to exceed \$2 million a prior review and recommendation of the business case by the Finance and Assurance Committee is required. The business case shall include as a minimum; risk assessment, a procurement plan and financial costings. If there is a different recommendation from the Finance and Assurance Committee the matter will be referred to Council for a decision</p> <p>g) monitor the return on all Council's investments including forestry</p> <p>h) monitor and track Council contracts and compliance with contractual specifications.</p> <p>i) <u>approve and/or assign all contracts for work, services or supplies for unbudgeted expenditure up to \$10 million and noting this excludes the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan.</u></p> <p>Power to Recommend</p> <p>The Services and Assets Committee is responsible for considering and making recommendations to Council regarding:</p> <p>a) policies relating to the scope of activities of the Services and Assets Committee</p> <p>b) changes to Council's adopted levels of service</p> <p>c) the dividend from the forestry business unit</p>
FINANCIAL DELEGATIONS	<p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Services and Assets committee accept or decline any contract for the disposal of goods, plant or other assets other than property or land. <p>Budget Reallocation.</p>

LIMITS TO DELEGATIONS	<p>Committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy. <p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • amendment to fees and charges relating to all activities • powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual <p>Delegated authority is within the financial limits in section 9 of this manual.</p>
STAKEHOLDER RELATIONSHIPS	<p>This committee shall maintain relationships including, but not limited to the following organisations:</p> <ul style="list-style-type: none"> • Community Boards • Regional Land Transport Committee • WasteNet • FENZ (Fire and Emergency New Zealand) <p>The committee will also hear and receive updates to Council from these organisations, as required.</p>
CONTACT WITH MEDIA	<p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the board's delegations.</p> <p>The group manager services and assets will manage the formal communications between the committee and the people of the Southland District and for the committee in the exercise of its business.</p> <p>Correspondence with central government, other local government agencies or official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p>



Covid-19 Emergency Committee

Terms of Reference

TYPE OF COMMITTEE	Council committee
RESPONSIBLE TO	Council
SUBCOMMITTEES	None
LEGISLATIVE BASIS	Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	Mayor (chairperson) Deputy Mayor (deputy chairperson) Cr Douglas In the event that one of the committee members is not available the vacancy on the committee shall be filled by Cr Christine Menzies in the first instance and Cr Rob Scott in the second instance.
FREQUENCY OF MEETINGS	As required
QUORUM	Two members
SCOPE OF ACTIVITIES	The Emergency Committee is responsible for: <ul style="list-style-type: none"> determining matters within the authority of Council where the urgency of the matter or other circumstances preclude a full meeting of Council or emergency legislation is enacted.
DELEGATIONS	Council delegates to the Emergency Committee the following powers: <ul style="list-style-type: none"> (a) to exercise all Council functions that cannot be exercised by Council using its standard processes and procedures due to the COVID-19 pandemic, except for those that: <ul style="list-style-type: none"> have been delegated to staff cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation.
FINANCIAL DELEGATIONS	The committee has full financial authority to act on behalf of Council except as constrained by legislation. It is noted that in accordance with clause 32(1)(c) of Schedule 7 of the Local Government Act 2002 the committee cannot borrow money, or purchase or dispose of assets other than in accordance with the long term plan.
CONTACT WITH MEDIA	The chairperson of the committee is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest. Committee members do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations unless expressly given.