

Minutes of an emergency meeting of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 24 MARCH 2020** commencing at **1.00pm**.

Present:

His Worship the Mayor, Mr AM Sanson (Chairperson)
Cr AD Bech [*via telephone conference*]
Cr JA Church [*via telephone conference*]
Cr CA Eyre
Cr JM Gibb
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire [*via telephone conference*]
Cr EM Patterson
Cr JD Sedgwick
Cr NMD Smith
Cr LR Thomson
Cr CT Woolerton

Attending:

Mr T Whittaker (Chief Operating Officer)
Ms A Diaz (Chief Financial Officer)
Mrs C Pidduck (Legal Counsel)
Mr B Stringer (Democracy Manager)
Ms G Brady (Democracy Advisor)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Patterson/Sedgwick)

THAT an apology be received from Cr McInally

CARRIED

WDC2003/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (His Worship the Mayor/Cr Gibb)

THAT the agenda for an emergency meeting of the Waikato District Council held on 24 March 2020 be confirmed and all items therein be considered in open meeting.

CARRIED

WDC2003/02

DISCLOSURES OF INTEREST

There were no disclosures of interest.

REPORTS

Emergency Delegations for COVID-19 Agenda Item 4

The Democracy Manager introduced the report and outlined the proposed tiered delegations model to operate in light of the Covid-19 developments and pending Alert Level 4 restrictions.

The Chief Operating Officer outlined the rationale for the requested increase in financial delegation for the corporate credit card, and how the card was managed.

The following matters were discussed:

- Roles and responsibilities under a state of emergency, and the practical effect of the civil defence and emergency management legislation.
- The Chief Operating Officer also fulfilled the role of Deputy Chief Executive.
- The duration of the proposed delegations.
- Practical steps that would be taken to ensure all elected members were kept informed.

It was requested that the Terms of Reference for the Emergency Committee (attached to the staff report) be amended to insert “Emergency” before “Committee” in the last paragraph.

Resolved: (His Worship the Mayor/Cr Smith)

THAT the report from the Chief Executive be received;

Delegation to the Emergency Committee

AND THAT the Council establishes an Emergency Committee, the membership for which comprises:

**His Worship the Mayor;
Deputy Mayor
Infrastructure Committee Chairperson
Policy & Regulatory Committee Chairperson
Strategy & Finance Committee Chairperson
Regulatory Subcommittee Chairperson,**

AND FURTHER THAT the Council approves the Emergency Committee's Terms of Reference, attached to the staff report, subject to the noted amendment.

AND FURTHER THAT the Council activates the Emergency Committee from 24 March 2020 to operate during Alert Levels 3 and 4 of the COVID-19 emergency and suspend all other committees and community boards of the Council.

Contingency Delegation

AND FURTHER THAT the Council delegates to any two members of the Emergency Committee all responsibilities, duties and powers of Council, Council committees or subcommittees or community boards (except any decisions that cannot be delegated by law), provided that such delegation will only take effect if the Chief Executive (or Deputy Chief Executive, should the Chief Executive be unavailable; or if the Deputy Chief Executive is unavailable, then the line of authority of General Managers as outlined below), in consultation with His Worship the Mayor (or Deputy Mayor, should the Mayor be unavailable; or the Chairperson of the relevant committee or, if the Chairperson of the relevant committee is unavailable, any Deputy Chairperson of the relevant committee) determines:

- i. that an urgent decision to enable the proper performance of Council functions is required by the Council, a Council committee subcommittee or community board; and
- ii. that in the circumstances it is not possible or is impractical to convene a meeting or obtain a quorum for the Emergency Committee, due to the COVID-19 pandemic.

AND FURTHER THAT Council agrees that:

- i. any decision made pursuant to the delegation set out above will be binding on the Council;
- ii. decisions made under these delegations will be circulated to all Councillors and the public (unless publicly excluded) as soon as possible and be reported at the earliest possible full Council meeting.

Chief Executive Delegation

AND FURTHER THAT the Council delegates to the Chief Executive (or the Deputy Chief Executive, if the Chief Executive is unavailable) 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:

- i. the delegated powers, duties, and responsibilities may be exercised only in circumstances where:**
 - the Council, or its committees or subcommittees (including the Emergency Committee), 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 Contingency Delegation noted above is not available or the delegated members are unable to exercise the delegated powers, responsibilities and duties due to COVID-19;**
- ii. the Chief Executive (or the 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, if the Chairperson of the relevant committee is unavailable, any Deputy Chairperson of the relevant committee);**
- iii. the Deputy Chief Executive may exercise the delegated powers, duties, and responsibilities only in the event that the Chief Executive is unavailable; and**
- iv. any decisions made and documents executed in exercising the delegated powers, duties, and responsibilities must be reported to the next Emergency Committee meeting or ordinary meeting of the Council (whichever comes first).**

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

AND FURTHER THAT for the duration of the COVID-19 emergency, approves the Chief Executive's financial delegation be set at \$1.5 million, to allow for any unanticipated urgent expenditure. Any such unanticipated expenditure is to be reported back to the Emergency Committee.

AND FURTHER THAT the Council notes and agrees to the following line of delegated authority (in deescalating order) in the event that the Chief Executive, or Deputy Chief Executive, is unable to fulfil any delegated powers, duties and responsibilities due to COVID-19:

General Manager Customer Support

General Manager Service Delivery

General Manager Community Growth

General

AND FURTHER THAT the Council notes that the delegations above are intended to:

- i. be used as a contingency and to ensure that Council can continue to undertake its proper functions through the COVID-19 pandemic;
- ii. discontinue in the event that the COVID-19 Alert Level enables ordinary Council and committee meetings to recommence, as determined by the Chief Executive in consultation with His Worship the Mayor (or Deputy Mayor, as the case may be), and

the Council also notes that other than as set out in this report, the Chief Executive and officer delegations that are currently in place, and delegations that cannot be delegated by law, are unaffected by this resolution and will remain with the Chief Executive, officers or Council as applicable.

AND FURTHER 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:

“12.8 Member’s status: quorum

Members who attend meetings by audio or audiovisual link will be counted as present for the purposes of a quorum.

12.9 Member’s status: voting

Where a meeting has a quorum, the members attending by electronic link can vote on any matters raised at the meeting.”

AND FURTHER THAT the Council approves an increase in the Waikato District Council corporate credit card from \$5,000 to \$20,000.

CARRIED

WDC2003/03

There being no further business, the meeting was declared closed at 1.28pm.

Minutes approved and confirmed this day 2020.

AM Sanson
CHAIRPERSON