



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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EXTRAORDINARY MEETING OF COUNCIL

Open Agenda

Meeting Date:	Tuesday 24 March 2020
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Time:	3.30pm
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Venue:	Large Exhibition Hall War Memorial Centre Marine Parade Napier
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Council Members	Mayor Wise, Deputy Mayor Brosnan, Councillors Boag {by Zoom}, Browne, Chrystal [by Zoom], Crown [by Zoom], Mawson, McGrath, Price, Simpson, Tapine, Taylor [by Zoom], Wright [by Zoom]
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Officer Responsible	Chief Executive
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Administrator	Governance Team
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Next Council Meeting
TBA

ORDER OF BUSINESS

Apologies

Nil

Conflicts of interest

Agenda items

1	Emergency Delegations for National COVID-19 Alert Four Implementation	3
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AGENDA ITEMS

1. EMERGENCY DELEGATIONS FOR NATIONAL COVID-19 ALERT FOUR IMPLEMENTATION

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	914532
<i>Reporting Officer/s & Unit:</i>	Devorah Nicuarta-Smith, Team Leader Governance

1.1 Purpose of Report

To request emergency delegations during the period of COVID-19 Alert 4 restrictions.

Officer's Recommendation

That Council:

- a. Adjust the quorum of its four standing committees to two, the lowest possible number under the Local Government Act 2002, to facilitate meetings continuing with virtual attendance where possible during the Alert Four restrictions set by the New Zealand government
 - i. Those committees being:
 - Sustainable Napier
 - Future Napier
 - Napier People and Places
 - Prosperous Napier
- b. Delegate to the four standing committees decision-making authority on its behalf for all matters which are able to be delegated by a local authority under the Local Government Act 2002, during the Alert Four restrictions set by the New Zealand government
 - i. Noting that this delegation **excludes** the following matters as per clause 32(1) Schedule 7 Local Government Act 2002:
 - The power to make a rate
 - The power to make a bylaw
 - The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan
 - The power to adopt a Long Term Plan, Annual Plan or Annual Report
 - The Power to appoint a Chief Executive
 - The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement
 - The Power to adopt a remuneration and employment policy.

- ii. Noting that all decisions made by these committees of the whole must be reported to Council as soon as is practicable in the circumstances
- c. Authorise the Chief Executive (including anyone appointed to the office in an Acting capacity) delegation to make decisions in respect of urgent matters, as an emergency power to be exercised only to the extent that the Council is prevented from making decision in the circumstances, to ensure the continuation of council services to the extent possible during the COVID-19 Alert Four setting, from the time of resolution until such time as the Alert level is reduced by the government for Hawke's Bay.
 - i. Noting that this delegation is in addition to any existing delegations already held by the Chief Executive
 - ii. Noting that the Chief Executive will, so far as is practicable in the circumstances, consult with the Mayor, Deputy Mayor and standing committee chairs before exercising this delegation to make decisions
 - iii. Noting that this delegation **excludes** the matters not able to be delegated by Council as per clause 32(1) Schedule 7 Local Government Act 2002
 - iv. Further noting that the Acting Chief Executive Neil Taylor has confirmed his willingness to continue in the role as required

Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

1.2 Background Summary

The New Zealand government announced in the early afternoon of 23 March 2020 that the alert level from COVID-19 virus was increased to Level Three effective immediately, and would be increased to level Four in 48 hours of the announcement.

This has significant implications for the workings of Council, which under the Local Government Act 2002 requires physical presence for quorum to be met, and therefore decisions to be made.

In order to provide as much flexibility as possible for Council to continue as an essential service during these restrictions, it is proposed to ensure that preparations are in place to allow meetings to continue as and when possible, and appropriate delegation is provided to an individual where a decision is required and Council is not in a position to make it under the current law.

It should be noted that the government may change the law (for example through the Emergency Preparedness Act 2006) so that the Council can make lawful decisions without the need for physical meetings.

The recommendations therefore outline proposed adjustments to the quorum and decision-making powers of the four standing committees, so that these bodies may be used as a mechanism for decision-making where physical quorum of at least two is possible. This may occur at such as time as the restrictions are reduced, or in the event that government changes the law.

The quorum of Council itself cannot currently be reduced as it is set by the Local Government Act 2002 at a majority of members where the total number is uneven (as is the case for Napier). The adjustment of quorum for the standing committees (which are

each comprised of all elected members) to the lowest number allowed by the Act, and the delegation of such decision making powers as is possible under the Act (excluding those powers outlined in clause 32(1) Schedule 7 Local Government Act 2002, therefore provides a good option for flexibility when a [physical] quorum of two people is possible.

Further, the recommendation has been made by Council's legal advisors and LGNZ that appropriate delegation be provided to an individual to ensure that decisions can be made as an emergency power to the extent that Council is prevented from making decisions by the circumstances. It is proposed that this delegation be made to the Chief Executive as the principal administrative officer of Napier City Council.

1.3 Issues

N/A

1.4 Significance and Engagement

N/A

1.5 Implications

Financial

The delegation to the Chief Executive is required to ensure that Council can continue its essential functions during the Alert Four setting.

Social & Policy

N/A

Risk

Council's ability to function will be severely compromised in the absence of the ability to make decisions and the recommendations are considered necessary in the unprecedented circumstances to ensure that essential functions may continue.

1.6 Options

The options available to Council are as follows:

- a. To resolve as recommended to allow essential functions to continue.

1.7 Development of Preferred Option

As above

1.8 Attachments

Nil

2. CEMETERY PRESALE OF BURIAL PLOTS

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	914698
<i>Reporting Officer/s & Unit:</i>	Adele Henderson, Director Corporate Services

2.1 Purpose of Report

To allow the Chief Executive the delegated powers to halt any pre sales of burial plots for two months or longer if required

Officer's Recommendation

That Council:

- a. Approve delegated powers to the Chief Executive to halt any presale of burial plots for a period of two months or longer as required

Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

2.2 Background Summary

The current fees and charges allows for the sale of burial plots in advance. Due to the potential risk associated with Covid-19 to the community, it was considered prudent to temporarily stop this practice to ensure that the current capacity within the cemeteries is prioritised towards any Covid-19 related requirements.

2.3 Issues

n/a

2.4 Significance and Engagement

n/a

2.5 Implications

Financial

n/a

Social & Policy

Note this recommendation is consistent with the Napier City Council Cemeteries Bylaw 2014 and the Burial and Cremations Act 1964.

Risk

That sufficient burial plots are not available during the pandemic

2.6 Options

The options available to Council are as follows:

- a. Adopt the recommendation to provide the Chief Executive with delegations to halt the presale of burial plots for a period of two months or longer as required
- b. Not adopt the recommendation and continue with the status quo

2.7 Development of Preferred Option

Adopt the recommendation to provide the Chief Executive with delegations to halt the presale of burial plots for a period of two months or longer as required

2.8 Attachments

Nil

3. COVID-19 UPDATE

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	914729
<i>Reporting Officer/s & Unit:</i>	Neil Taylor, Acting Chief Executive

3.1 Purpose of Report

To provide both a written and verbal update to Council as at 24 March 2020 with the measures that Napier City Council have undertaken to date around the pandemic Covid-19.

Officer's Recommendation

That Council:

- a. Receive a verbal update from Antoinette Campbell, Napier Civil Defence Controller
- b. Note the actions that Council are undertaking in response to Covid-19 as of 24th March 2020
- c. Note the Essential Services list as distributed by Central Government that provides clarity around what services are required to continue during the lock down period
- d. Note that Council may wish to consider postponement of rates for special circumstances as a result of Covid-19, under the Rates Postponement Policy where appropriate
- e. Note that the Council have delayed its consultation of the Annual Plan 2020/21 as it consider the impacts from Covid-19. This will result in a new consultation timeline and will mean that Council is unlikely to meet its statutory timeframe for adoption of 30 June 2020.
- f. Note any other action that Council deems appropriate at this time

Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

3.2 Background Summary

- Note that the National Crisis Management Centre was activated on 16th March 2020
- Note that the Hawkes Bay Civil Defence have been activated and providing Situation reports daily
- Note that the Napier City Council Incident Management Team was activated Monday 23rd March

The following updates have been provided to Council to date:

Key messages to Councillors 24th March 2020

As you will know, our organisation is now operating at Level 3 – Restrict – where community transmission has occurred, and are preparing to operate at Level 4 – Eliminate - where only essential services can be carried out (Attachment A). Civil defence emergency management is one such essential service pertaining to local government.

Over the weekend, while we were at Level 2 – Reduce, we made the decision to close Freedom Camping facilities, the Municipal Theatre and review how we could reduce service levels across our facilities.

Yesterday after the Prime Ministers announcement, all our facilities were closed to the public with the exception of Kennedy Park. We still have guests (mainly international visitors) at the park including motor homes that had nowhere else to go to when the Freedom Camping areas were closed. The essential services list includes accommodation for emergency housing so for now, we are assuming that our visitors are in our accommodation for emergency purposes and will ensure they are registered with the appropriate authority. We are seeking guidance from MBIE on this to ensure we are compliant.

While not on the essential services list, we do still need to maintain life support systems and animal welfare at the Aquarium and also the Animal Shelter. The shelter will be closed to the public and accessed by appointment only. The swimming pools will continued to be maintained daily in terms of chemical dosing and pumps and filtration (and the Pool Cat will be fed).

Public toilets are being closed and the Depot is closed to the public. Litter bins will be emptied once a day and domestic refuse and recycling will continue as is. There are two teams set up from different locations to run the three-water operations.

Where possible, staff are being mobilised to work from home however this is not possible for all our staff, particularly if they have a customer-facing role. We are asking staff to make themselves available for the emergency management response in welfare roles.

Key messages to Staff and Council Monday 23rd March

As Prime Minister Jacinda Ardern announced earlier, New Zealand is now in COVID-19 Alert Level 3, and the entire country will be in Level 4 in 48 hours' time, for a period of at least four weeks.

These are unprecedented times for New Zealand, and will mean a significant change for everyone. The Senior Leadership Team support this move, as the Government looks to limit any widespread outbreak as quickly as possible.

Moving to Level 3 means that all our Council facilities have closed immediately, and we are currently communicating this information to all staff, and our community.

Planning for Level 4 has also started. Staff who are deemed essential to maintain Council services are still needed at work. Director of City Services, will be liaising directly with those people.

At Level 4, which will come into force on Wednesday 25 March, there are a number of measures that need you need to be aware of. These include:

- 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

This morning the Senior Leadership Team met to outline Napier City response to the Level 2 alert that was announced by Prime Minister Jacinda Ardern on Saturday afternoon, in response to COVID-19. Fortunately, due to the planning and preparation that has occurred across the organisation over the past month, we are in a very good position to respond extremely quickly.

3.3 Issues

n/a

3.4 Significance and Engagement

n/a

3.5 Implications

Financial

There are significant financial impacts from Covid-19 that cannot be fully quantified at this time. All fees and charges income associated with our facilities including Aquarium, Kennedy Park, i-Site, Municipal Theatre, Conference Centre, Sportsgrounds, McLean Park, Halls, Building Consents, Animal Control, Parking are all being impacted with closure.

This income will mean that Council will face a net operating deficit this financial year due to unprecedented and unforeseen circumstances when it prepares its Annual Report 2019/20.

Council was due to adopt for consultation its consultation document and draft Annual Plan for 2020/21, however, will be holding back on completing this until a better understanding of the impacts of Covid-19 can be ascertained and a revised plan provided to the community

This late change will impact on Council's ability on meeting its statutory deadline of 30 June 2020 for the Annual Plan. A revised timeline will be provided to Council as soon as practicable.

Social & Policy

Council may like to consider and set direction to Council officers to allow for hardship to be considered for the postponement of rates and is considered under the Postponement for Special Circumstances.

Risk

Due to the fast evolving nature of the pandemic and our need to respond urgently a full risk assessment has not been undertaken, however, Council should be aware of the following risks (but not limited to):

- Widespread Covid-19 pandemic impact within the community even after Level 4 measures have been put in place
- Risks of key staff being impacted by Covid-19, mitigated with Business Continuity Plans being put in place

- Risk of significant death toll that may impact space availability at the cemetery, ability of the crematorium to meet demand and mass graves being required
- Financial risk associated with facility closures
- Ability of network to deal with volume and scale of people who will be required to work from home
- Ability of staff to respond to community needs during the Level 4 period
- Risk to the supply chain for essential services requirements including the ability to fix issues if they arise
- That many businesses are facing huge uncertainty at this time, even with the Central Government packages available to them

That the teams responsible for key services such as water and waste may be impacted by the virus, although mitigations such as isolation are in place and a Business Continuity plan is in place

3.6 Options

n/a

3.7 Development of Preferred Option

n/a

3.8 Attachments

- A Essential services list [↓](#)
- B Media Release - Closing Doors Monday 23rd March [↓](#)

Essential services list*As of 23 March 2020 pm, 2000 hours**Subject to updates*

Entities and their workers carrying out the following services are considered essential. This also includes entities in their supply chains (eg those providing IT and data infrastructure to an entity providing an essential service).

Sectors	Entities providing essential services (including their supply chains)
Accommodation Lead agency: Ministry of Business, Innovation and Employment	<ul style="list-style-type: none"> Any entity that provides accommodation services for essential workers, isolation/quarantine, and emergency housing
Border Lead agency: Customs New Zealand	<ul style="list-style-type: none"> Customs New Zealand, Immigration New Zealand and the Ministry for Primary Industries
Building and construction Lead agency: Ministry of Business, Innovation and Employment	<ul style="list-style-type: none"> Any entity involved in building and construction related to essential services and critical infrastructure Any entity involved in building and construction required immediately to maintain human health and safety at home or work Any entity that performs or is involved in building and resource consenting necessary for the above purposes
Courts, tribunals and the justice system Lead agency: Ministry of Justice	<ul style="list-style-type: none"> Courts of New Zealand, tribunals Critical Crown entities (eg Electoral Commission)
Education Lead agency: Ministry of Education	<p>At level 3 only:</p> <ul style="list-style-type: none"> Any person employed or contracted as teaching, nursery and childcare staff, including specialist education professionals and others who provide support (eg to disabled children) Any person employed by or contracted to an educational facility Any entity supplying educational facilities or educational materials (eg printers)
Fast-moving consumer goods Lead agency: Ministry of Business, Innovation and Employment	<ul style="list-style-type: none"> Any entity involved in the supply, delivery, distribution and sale of food, beverage and other key consumer goods essential for maintaining the wellbeing of people, but not takeaway shops
Financial services Lead agencies: Financial Markets Authority and Reserve Bank of New Zealand	<ul style="list-style-type: none"> Banks, insurers and other financial institutions, including any entity that contracts or provides services to them (eg secure money delivery services) Securities registries NZX

Health Lead agency: Ministry of Health	<ul style="list-style-type: none"> • District Health Boards (and all of their facilities), Pharmac, New Zealand Blood Service, Health Promotion Agency, Health Quality and Safety Commission • Any person employed or contracted as a doctor, nurse, midwife, pharmacist, paramedic, medical laboratory scientists, kaiāwhina workers, social workers, aged care and community workers, and caregivers more generally • Hospitals, primary care clinics, pharmacies, medical laboratories, care facilities (eg rest homes) • Any entity providing ambulance services • Any entity involved with the deceased/tūpāpaku (eg funeral homes, crematories, cemeteries) • Any entity producing health sector equipment, medicines and PPE •
Local and national government Lead agencies: Department of Internal Affairs (local government) and State Services Commission (national government)	<ul style="list-style-type: none"> • Any entity involved in COVID-19 response, enforcement, planning or logistics or that has civil defence/emergency management functions (including any entity that supplies services for these purposes) • Key public services (see note below for agencies)
Primary industries, including food and beverage production and processing Lead agency: Ministry for Primary Industries	<ul style="list-style-type: none"> • Any entity involved in the packaging, production and processing of food and beverage products, whether for domestic consumption or export • Any entity involved in relevant support services, such as food safety and verification, inspection or associated laboratory services, food safety and biosecurity functions • Any entity providing veterinary services • Any entity whose closure would jeopardise the maintenance of animal health or welfare standards (including the short-term survival of a species)
Public safety and national security Lead agency: National Emergency Management Agency	<ul style="list-style-type: none"> • The Department of Corrections, Fire and Emergency New Zealand, Ministry of Defence, Ministry of Justice, New Zealand Defence Force, New Zealand Police, New Zealand Security Intelligence Service, Government Communications Security Bureau • Courts of New Zealand • Any person employed or contracted in a public safety or national security role
Science Lead agency: Ministry of Business, Innovation and Employment	<ul style="list-style-type: none"> • ESR, GNS, GeoNet, NIWA, MetService • Any entity (including research organisations) involved in COVID-19 response • Any entity (including research organisations) involved in hazard monitoring and resilience • Any entity (including research organisations) involved in diagnostics for essential services like biosecurity, public health

	<ul style="list-style-type: none"> • Laboratories and Physical Containment level 3 (PC3) facilities that could provide essential services and products that could be used to respond to COVID-19 • Other significant research facilities including animal facilities, clinical trials and infrastructure that requires constant attention (eg samples, collections and storage facilities) that are important to New Zealand •
Social services Lead Agency: Ministry of Social Development/Oranga Tamariki	<ul style="list-style-type: none"> • Those entities, including non-government organisations, that provide welfare and social services to meet immediate needs, to be specified jointly by the Ministry of Social Development and Oranga Tamariki
Transport and logistics Lead agency: Ministry of Transport	<ul style="list-style-type: none"> • Ministry of Transport, New Zealand Customs, New Zealand Transport Agency, Civil Aviation Authority (including Aviation Security Service), Maritime New Zealand (including the Rescue Coordination Centre), Airways NZ, MetService, KiwiRail (including Interislander), and any entity which is contracted by these entities • Any entity that provides, or is contracted to an entity that provides, logistics services, including New Zealand Post and courier services • Any entity providing, or is contracted by an entity that provides, transport services to the Ministry of Health, a District Health Board, a Medical Officer of Health, or a Controller (as defined in section 4 of the Civil Defence and Emergency Management Act 2002) • Any entity which provides services related to the maintenance and ongoing operation of critical infrastructure (eg roads, rail, ports, airports) • Any entity which operates or is contracted by an entity listed in Schedule 1 of the Civil Defence and Emergency Management Act 2002, an aerodrome, a passenger and/or freight aviation service, a passenger and/or freight shipping service, a road freight service, a rail freight service, a vehicle recovery service; or a public transport service (under contract with a Regional Council) • Any small passenger service vehicle driver (who holds the relevant licence) • Any entity providing services to keep vehicles operational for essential work purposes (eg vehicle testing, mechanics, tyre services)
Utilities and communications, including supply chains Lead agency: Ministry of Business, Innovation and Employment, and Ministry for Culture and Heritage (for broadcasting)	<ul style="list-style-type: none"> • Any entity involved in the production, supply, sale distribution or disposal of electricity, gas, water, waste water (eg sanitation), waste (eg rubbish collection), fuel, telecommunication services, and any entity that is contracted by these entities • News (including news production) and broadcast media • Internet service providers

	<ul style="list-style-type: none">• Any entity that provides maintenance and repair services for utilities and communications, including supply chains• Any entity supplying services to an essential workplaces that are required for the safe operation of that workplace (eg cleaning, security services)
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For the avoidance of doubt, specified sectors and occupations in the following are also included in this list of essential services:

- Schedule 1 of the Civil Defence and Emergency Management CDEM Act 2002
- Schedule 1 of lifeline utilities, and
- Employment Relations Act 2000 Schedule 1 of essential services.

Media Release



Napier City Council – facilities are now closed

Monday 23 March 2020

Following the Prime Minister's announcement this afternoon that non-essential services should stop, all Napier City Council's facilities have been closed to the public from this afternoon for a minimum of four weeks.

This includes the following;

Customer Services Centre
National Aquarium of New Zealand
Napier Aquatic Centre
iSite
Par2 MiniGolf
MTG Hawke's Bay
Faraday Centre
Napier Municipal Theatre
Napier Conference Centre
McLean Park
Napier Libraries
Bay Skate
Te Kōhungahunga Atawhai (CBD parents' and caregivers' room).

There are a number of public services which will also close. These are:

Animal Control shelter
Redclyffe Transfer Station, from midday tomorrow (Tuesday 24 March)
All community halls and all public toilets.

Although closed for face-to-face interaction, many of our services will still be available in other ways.

Residents will still be able to pay their rates, dog registration and parking fees via the Napier City Council website at www.napier.govt.nz and questions can be sent through by email at info@napier.govt.nz or through Facebook.

All kerbside rubbish and recycling collections will continue as normal.

Council has already been preparing to have as many staff as possible working from home, says Neil Taylor, Napier City Council Acting Chief Executive. "Our first priority is the safety of our community and our staff. Council facilities will remain closed until the Government announces that restrictions can be eased back. This is an extraordinary situation and at this stage, we don't know how long facilities will be closed for. In the meantime, it's important that we have empathy for each other and act with wisdom. Please heed the Government's advice. I know our community spirit will see Napier and Hawke's Bay through this unprecedented situation."

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Napier Mayor Kirsten Wise reiterated his words. "There is no question the next few weeks will be difficult but I believe our community is up to the task. The best thing we can do is follow Government advice, from best hygiene practices to looking out for one another. To echo the Prime Minister's words, be kind to one another. "

We urge anyone who is unsure about the current situation to follow information about COVID-19 from reliable sources, such as the Government's website www.covid19.govt.nz

ENDS

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