



EXTRAORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Tuesday 24 March 2020

Time: 3.30pm – 5.26pm

Venue Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Present 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]

In Attendance Acting Chief Executive, Director Corporate Services, Director
Community Services [Item 3], Director City Strategy [Item 3]

Administration Team Leader Governance

Apologies

Nil

Conflicts of interest

Nil

Item 3 was taken first to allow the Director Community Services (who is the emergency controller and head of the incident management team) and the Director City Strategy who is 2IC of the incident management team) to speak while present.

AGENDA ITEMS

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.

At the Meeting

Incident Management Team

The Director Community Services and Director City Strategy, who are the lead and deputy of Council's Incident Management Team (IMT) spoke to the report, providing an update on Council's actions following the government announcement on 23 March regarding Alert Three and Alert Four restrictions. The IMT was activated on the morning of 24 March and daily situation reports will be provided during the response period.

The actions required to implement the directed move on 23 March to Alert Three status were immediately started following the government's announcement, with prompt mobilisation of staff to work from home where possible. Others not able to work from home in their current roles will be redeployed as far as possible to contribute to welfare efforts as the country moves into Alert Four restrictions from midnight Wednesday 25 March 2020.

The Directors spoke to the prioritisation of Council activities that has taken place and how key functions will be provided while also considering staff safety and wellbeing. Napier City Council is a participant in the region-wise emergency response group, and consistent approaches are expected to be taken across Hawke's Bay to the extent possible.

The interactions and role distinctions between Council and the Police were discussed. It was noted that for many issues specifically relating to the Alert Four restrictions the Police will be the lead agency, as they are a national organisation and the event is a nation-wide one. Council will liaise closely with the Police and be guided by them as required in particular matters of welfare and security.

Council is implementing an active welfare group as part of the IMT and is already liaising with other welfare providers across the city to ensure support is available for those in high risk categories, living on their own and so on.

All Council community facilities are now closed, with the exception of Kennedy Park which has been allocated as an isolation/ quarantine centre should this be required.

The City Services Directorate are continuing to monitor utilities and act on essential services as required, and have already moved to split teams to ensure resilience and wellbeing is maintained as much as possible throughout the next period.

Most public toilets have been closed down; however provision has been made for toileting and showering facilities for rough sleepers at the public bathrooms close to Municipal Theatre, Humber Street and Spriggs Park. Security personnel will be circulating to ensure that rough sleepers are aware of where they can access important services.

The last 24 hours have been primarily focussed on mobilising and ensuring the welfare of Council staff; increased community communications will take place over the next few days. The public are also encouraged to use the government's COVID-19 website which is an excellent resource for information on the virus and requirements in place to help address the issue.

The government website is <https://covid19.govt.nz/>

It was noted that anyone concerned that they may be ill MUST call their GP or Healthline in the first instance as there is an established process for early screening and assessment which must be followed. No one will be able to attend a local testing centre without first having been through this screening. It was noted that there may be some delays as all providers are experiencing a sharp upswing in volumes of contact, but to persist in reaching out.

The Healthline number to call is 0800 358 5453

The Director Community Services and Director City Strategy left the meeting at 4.30pm

Annual Plan Implications

The Director Corporate Services spoke to the impacts of the COVID-19 response to Council's Annual Plan process.

It was intended that the draft consultation document be brought to Council next week for review and adoption, however acknowledgement needs to be made of the various implications from the COVID-19 response that are already being experienced and which will continue and need to be addressed in the upcoming financial year.

The team are quantifying these implications currently to the extent possible although the full extent may not be known for some time. There are also legislative impacts to be considered as it is known that the Annual Plan will not be able to be adopted by 30 June 2020, and there may be flow on effects with regards to striking rates. The team will compile the particular areas of impact and likely scale to bring back to Council as soon as possible, along with options as to how these could be addressed. It is hoped a meeting already scheduled with the NZ Local Government Funding Agency in relation to possible options will continue as planned by virtual means.

A number of residents have expressed concern about potentially not being able to pay rates for the upcoming quarter. It is proposed that no penalties be put through at this time. The option to postpone rates under special circumstances is also being investigated; further information on this will be brought back to Council for consideration as soon as possible.

Officers were thanked for the great work that is being undertaken in very difficult circumstances.

ACTIONS FROM IMT UPDATE

Action: Acting CE to follow up with DIA/ LGNZ/ SOLGM consortium to find out if they have reached out to countries with similar government structures to seek information on patterns of behaviours seen from those in “lock down”

Action: Confirm current fire ban status and ensure clear information is on Council website

Action: Ensure senior staff and personnel in key response roles have alternates in place and are actively taking breaks for wellbeing and resilience. Consider fully split teams as an option.

Action: Follow up on access to influenza vaccinations for field staff providing essential services

Action: Reassess access to public toilets taking into consideration people travelling in from hinterlands such as Tutira for essential supplies

Action: Place signage at ALL public toilets advising which are open for use

Action: Ensure clear information on Council’s website to match government messaging and specifying what is and is not possible under the various alert levels and particularly Alert Level 4. Include specific comment that recreation/ fresh air should be in the area people live as travel is to be minimised to essential service provision and sourcing essential supplies. Ensure people know not to use playground equipment and that they must maintain social distancing of at least 2m during leisure activities.

Action: Ensure public know they must call healthline first if they have any concerns, as there is a set process that must be followed.

Action: Councillors with any queries will contact the mayor in the first instance

ACTIONS FROM ANNUAL PLAN UPDATE

Action: Assess how any rates postponement could be enacted as efficiently as possible if for Council’s consideration

Action: Assess and advise Council on specific impact areas and the scale of impact from the COVID-19 response, along with options as to how these impacts could be addressed

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
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- 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 is consultation of the Annual Plan 2020/21 as it consider the impacts from Covic-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

Substitute Motion Mayor Wise / Councillor Price

**Council
resolution**

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. Officers will prepare a methodology report for drafting any policy change relating to rates postponement.
- e. Note that the Council have delayed is consultation of the Annual Plan 2020/21 as it consider the impacts from Covic-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. Officers are in the process of quantifying the impacts of COVID-19 on the Annual Plan financials and rates impact, and will bring a report to Council as soon as possible
- f. Note any other action that Council deems appropriate at this time

Carried

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.

At the Meeting

The Team Leader Governance spoke to the report, noting that the Local Government Act 2002 sets the quorum for Council meetings at a majority of the total number of members (being 7 for Napier), and also states that quorum is only contributed to by being 'present', physically present, in the meeting room. The minimum quorum for committees outlined by the Act is 2 people. Adjusting the quorum of Council's four standing committees and delegating decision making authority to them (for those matters which can be delegated by Council) offers significantly more flexibility to Council in its decision making as New Zealand negotiates various Alert Levels in relation to the COVID-19 response. It is not the intention that a committee meeting only consist of two members in total; it rather provides for as many as possible to attend by virtual means. Those attending by virtual means are able to vote so their participation in the meeting is full to every extent except contributing to physical quorum. It was noted that any decisions made by a committee through these powers will need to be reported through to a Council meeting as soon as this is practically possible. It was also noted that as Napier's standing committees are all 'of the whole' there will be no loss of representation or formal information sharing with elected members. It was also noted that regardless of formal decision making processes, that informal discussions and awareness will continue by virtual means.

In recognition that during the COVID-19 response period there will also be instances where a decision is required that Council may not be able to make itself due to the implications of the government restrictions on quorum, Council's legal advisors and Local Government New Zealand have strongly advocated for delegation to be provided to an individual so that emergency decision making may continue if required. It is proposed that for Napier this individual be the Acting Chief Executive. It is again noted that those matters that cannot be delegated by Council will not be part of this authorisation, and the intention is that any and all decisions made under these powers would follow consultation with a minimum of the mayor, deputy mayor and the chairs of the standing committees.

The powers of the committees and the Chief Executive may not be required if the law changes to allow for lawful decisions to be made by Council itself without the current physical quorum requirements. However they place Council in a strong position to be able to continue to provide essential services throughout the COVID-19 response.

In response to a question from councillors it was noted that the Māori Committee were not due to meet formally again until May and outside of the current Alert Four restrictions time frame. However it is anticipated that they will be communicated with and kept informed over

the ensuing month, and if the restrictions continue longer than currently anticipated then arrangements will be negotiated for virtual discussions to take place as best they can with the group.

Specific thanks were extended by councillors to the Acting Chief Executive and senior leadership team for their excellent work in the high pressure environment.

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

Substitute Motion Dep. Mayor Brosnan / Councillor Tapine

**Council
resolution**

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 Alert Three and 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 Alert Three and 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 Three and Alert Four settings, 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

Carried

2. CEMETERY PRESALE OF BURIAL PLOTS

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 914698

Reporting Officer/s & Unit: 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.

At the Meeting

The Acting Chief Executive spoke briefly to the report, noting that the intention is to provide some certainty to the District Health Board (DHB) in the event of a worst case scenario from COVID-19. It was noted that land is also designated at Park Island for such an emergency but the activation of this is a longer process if required.

There has been no specific increase in plot purchases.

Further clarity is being sought from the DHB as to any changes that might be required in caring for the deceased from the COVID-19 response.

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

Substitute Motion Councillors Price / McGrath

Council resolution

That Council:

- a. Approve delegated powers to the Chief Executive to halt any presale of burial plots for a period of two months or for the duration of the pandemic response to COVID-19

Carried

The meeting closed at 5.26pm

Approved and adopted as a true and accurate record of the meeting.

Chairperson



Date of approval