

5.1 Emergency Committee – tabled at the meeting

Council report

Date of meeting	24 March 2020
Author	Louise McDonald, Senior Committee Advisor

Purpose

1. To establish an Emergency Committee to deal with any matters of urgency that may arise due to the COVID-19 (novel coronavirus) situation.

Recommendations

That

1. **the Council establishes an Emergency Committee with a membership of three, consisting of:**
 - 1.1. **the Chair, Jenny Hughey as the Chair;**
 - 1.2. **Cr Peter Scott, as the Deputy Chair of the Committee; and**
 - 1.3. **Cr John Sunckell.**
2. **agrees that a quorum for the meeting of the Emergency Committee shall be two members;**
3. **for the purposes of the COVID-19 emergency, delegates to the Chair, in conjunction with the Deputy Chair, the authority to activate the Emergency Committee and by resolution of the Emergency Committee, suspend all other core committees of the Council.**
4. **the Council delegates to the Emergency Committee all of the Council's powers, duties, and responsibilities that the Council can lawfully delegate to a committee; and**
5. **the Emergency Committee and the Chief Executive then report any decisions made by the Emergency Committee to the next Council meeting; and**
6. **the delegations to the Emergency Committee may be revoked by the Council at any time;**
7. **these delegations may be exercised only in circumstances where the Council is 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.**

8. **notes that the Council considers it is prudent for Council to authorise the Chief Executive (while the Government's alert levels make meetings of Council impossible) to make urgent decisions if the Emergency Committee cannot meet;**
9. **makes delegations to the Chief Executive, which include appropriate conditions, to make urgent decisions during the COVID-19 pandemic if the Emergency Committee cannot meet (as set out in Attachment 1).**

Background

2. The quorum for a Council meeting is eight members all of whom are attending a meeting in person. Over the upcoming weeks, due to the COVID-19 situation, eight Councillors may not be immediately available to deal with any matter of urgency. It is recommended that an Emergency Committee comprising the Chair and two relevant and available Councillors be appointed.
3. The Committee is essentially the same committee, with the same delegations, as was put in place over the election period or Christmas break period.
4. The delegations to the Emergency Committee do not replace the powers, duties, and responsibilities of the Council and may be exercised only where a full meeting of the Council is not possible.
5. Alongside delegations to the Emergency Committee, the Council should also delegate powers to the Chief Executive, to use in the event that the Emergency Committee is unable to meet due to a lack of a quorum. This is consistent with the advice received from Local Government New Zealand.

Attachments

Attachment 1

Legal review	Catherine Schache, General Counsel
---------------------	------------------------------------

Attachment 1: Delegation to Chief Executive for Decision-making during COVID-19 pandemic

1. With immediate effect and until the Government reduces the alert level status, allowing meetings (including meetings of Council), the Council:
 - a Delegates to the Chief Executive all of the Council's powers, duties and responsibilities, except for those powers, duties and responsibilities that the Council is not legally able to delegate.
 - b Authorises the Chief Executive to approve expenditure, to approve the foregoing of revenue, or to take any other steps not provided for in the Long Term Plan or Annual Plan, that are necessary for Canterbury Regional Council.
2. The exercise of this delegation is subject to the following conditions:
 - a An urgent decision is required to:
 - i Enable the discharge of the Council's health and safety duties – this is of particular importance and relevance during the COVID-19 pandemic. Such decisions would include actions to protect employees and contractors;
 - ii Implement the range of measures (acting under the relevant COVID-19 alert level) directed or issued as guidance by the Government, relevant Ministers, or agencies. This ensures that any decisions are aligned with, and support, the official government position; or
 - iii Respond to any issues that arise as a result of the prevailing COVID-19 alert level or any other urgent matter.
 - b Prior to exercising this delegation, the Chief Executive must obtain the endorsement to the proposed decision from two Chairs in the following order of precedence:
 - i Council Chair;
 - ii Council Deputy Chair;
 - iii Performance Audit & Risk Committee Chair;
 - iv Any Committee Chair;
 - v Any Councillor
 - c The exercise of the delegation and the decision must be reported by the Chief Executive to Councillors as soon as practicable and reported to the first available Council meeting.