

# **Minutes of 510th meeting of the Canterbury Regional Council held in the Council Chamber, 200 Tuam Street, Christchurch on Tuesday 24 March 2020 at 3.06pm**

## **Contents**

1. Welcome and Karakia
2. Apologies
3. Conflicts of Interest
4. Deputations and Petitions
5. Matters for Council Decision
  - 5.1 Emergency Committee
  - 5.2 Fees and Charges – Statement of Proposal
  - 5.3 Chief Executive Employment, Performance and Remuneration Committee – Terms of Reference
6. Other Business
  - 9.1 Late Item – Harbourmaster's Powers – Navigation Safety
7. Exclusion of the Public from part of the meeting
8. Notices of Motion
9. Questions
10. Next Meeting
11. Closing Karakia

## **Present**

Chair Jenny Hughey, Deputy Chair Peter Scott, Councillors Tane Apanui, Phil Clearwater, Grant Edge, Nicole Marshall, Claire McKay, Lan Pham, and John Sunckell.

By audio visual link: Councillors Megan Hands, Ian Mackenzie, Elizabeth McKenzie, Craig Pauling and Vicky Southworth

## **Management and officers present**

Bill Bayfield (Chief Executive), Tafflyn Bradford-James (Director Communications and Engagement), Nadeine Dommissie (Chief Operating Officer), Miles McConway (Director Finance and Corporate Services), Stefanie Rixecker (Director Science), Catherine Schache (General Counsel), and Louise McDonald (Senior Committee Advisor).

Amanda Douglas – Wynn Williams

Report writers and other staff were also present.

## **1. Welcome and Karakia**

Due to the COVID-19 situation and the Government announcement of moving to level 4 shutdown this Extraordinary Council meeting advertised for 26 March 2020 was brought forward to Tuesday 24 March (pursuant to Standing Orders 2.14).

Councillors Hughey, Apanui, Clearwater, Edge, Mackenzie, Marshall, McKay, Pham, Scott and Sunckell were in attendance and formed the quorum.

Crs Hands, McKenzie, Pauling and Southworth joined the meeting by audio visual link. Due to issues with technology, Crs Hands and Southworth missed item 5.2 and the late item (Harbourmaster – Navigation Safety).

Chair Hughey opened the meeting and Cr Scott provided a karakia.

The Chair confirmed that members had received the following tabled documents:

- Item 5.1 – Emergency Committee – revised report
- Item 6 – Other Business – Late Item – Harbourmaster's Powers – Navigation Safety
- Item 7 – Public Excluded – Chief Executive Recruitment Process report and the unconfirmed minutes from the meeting of the Chief Executive Employment, Performance and Remuneration Committee

## 2. **Apologies**

There were no apologies.

## 3. **Conflicts of interest**

There were no conflicts of interest declared.

## 4. **Deputations and Petitions**

There were no deputations or petitions.

## 5. **Matters for Council Decision**

Item 5.2 was taken first

### 5.2 **Fees and Charges – Statement of Proposal**

*Refer to pages 9 to 14 of the agenda*

Councillors supported the recommendations but questioned the proposed timeframe in light of the COVID-19 situation.

The Chief Executive advised that the timeframe was not bound by this decision and staff will review the timeframe and come back to Councillors.

**Resolved**

**That the Council:**

1. **adopts the Statement of Proposal**
2. **directs the staff to make this Statement of Proposal publicly available through a special consultative procedure, as set out the Local Government Act 2020, section 83.**

Cr Scott//Cr Clearwater  
CARRIED

Item 6 was then taken

6. **Other Business – Late Item**

*Refer tabled report*

**Resolved**

**That the report be received and considered at the Extraordinary Council meeting on 24 March:**

- **Harbourmaster's Powers – Navigation Safety**

Cr McKay /Cr Mackenzie  
CARRIED

6.1 **Harbourmaster's Powers – Navigation Safety**

*Refer to the tabled report*

The Chief Executive presented this report.

**Resolved**

**That the Council:**

1. **resolves that, for the purposes of the Maritime Transport Act 1994, the Council's Harbourmaster may exercise the powers and perform the duties conferred by the Act or any other enactment for the purpose of:**

**1.1 ensuring navigation safety; and**

**1.2 ensuring maritime safety, insofar as necessary as a result of the COVID-19 risk (including for example, around piloting of vessels), in relation to the ports, harbours, or waters for which he or she has been appointed as a Harbourmaster by the Council.**

Cr McKay/Cr Mackenzie  
CARRIED

**Attendance:** Crs Hands and Southworth joined the meeting by audio visual link at 3.20pm

5.1 **Emergency Committee**

*Refer to the tabled report that replaced the report on page 7 of the agenda*

**Resolved**

**That the Council receive the updated report 'Emergency Committee'.**

Cr Clearwater/Cr Sunckell  
CARRIED



Catherine Schache presented this report.

**Resolved**

**That the Council:**

- 1. establishes an Emergency Committee with a membership of three, consisting of:**
  - a. the Chair, Jenny Hughey as the Chair,**
  - b. Cr Peter Scott, as the Deputy Chair of the Committee; and**
  - c. Cr John Sunckell.**
- 2. agrees that a quorum for the meeting 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).**

**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.**

Cr Mackenzie/Cr Clearwater  
CARRIED

### **5.3 Chief Executive Employment, Performance and Remuneration Committee – Terms of Reference**

*Refer pages 15 to 19 of the agenda*

It was confirmed that the amendments to the Committee's Terms of Reference were to correct the timeframe for this term of the Council; and to correctly reflect that the Council had appointed 4 members at the 14 November 2019 meeting.

#### **Resolved**

**That the Council:**

1. **notes that its meeting on 14 November 2019, the Council:**
  - a. **established the Chief Executive Employment, Performance and Remuneration Committee; and**
  - b. **adopted the Terms of Reference for the Chief Executive Employment, Performance and Remuneration Committee;**
2. **adopts the proposed amendment to the Terms of Reference of the Chief Executive Employment, Performance and Remuneration Committee.**

Cr Scott/Cr McKay  
CARRIED



## 8.6 Exclusion of the Public from Part of the Council Meeting

*Refer to page 20 of the agenda*

**That the public be excluded from the following part of the proceedings of this meeting, namely:**

### **1. Report from the Chief Executive Employment, Performance and Remuneration Committee**

1. The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	Report	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1.	Report from the Chief Executive Employment, Performance and Remuneration Committee	Good reason to withhold exists under section 7	Section 48(2)(i)

2. This resolution is made in reliance on section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceeding of the meeting in public are as follows:

Item No.	
1	Enable the Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations - Section 7(2)(i)

2. **That appropriate officers remain to provide advice to the Committee.**

Cr Clearwater/Cr Sunckell  
CARRIED

The meeting went into public excluded session from 3.25 to 3.54pm

## 8. Notices of motion

There were no notices of motion.

## 9. Questions

There were no questions.

12. **Next meeting**

The next meeting was scheduled for Thursday 16 April 2020.

13. **Closing karakia**

The Chair thanked everyone for their participation and invited Cr Scott to lead the karakia to close the meeting at 3.56pm

**CONFIRMED**

Date 16 April 2020

 Chair