



Report To: Regional Council
Meeting Date: 24 March 2020
Report From: Fiona McTavish, Chief Executive

Emergency Provisions for COVID-19

Executive Summary

As the COVID-19 situation continues to evolve, Council is asked to consider extraordinary measures for emergency decision making and governance processes and approve special delegations in the event of the Chief Executive being unable to perform her duties.

Recommendations

That the Regional Council:

- 1 Receives the report, Delegations and Meeting Arrangements for COVID-19;**
- 2 Establishes an Emergency Committee, with a membership of three, consisting of the BOPRC Chairman Doug Leeder as the Chair, Deputy Chair Jane Nees as the Committee Deputy Chair and one Core Committee Chair, whose portfolio aligns to the matter of urgency in the first instance; or in the second instance is available. Core Committee Chairs being Councillors: von Dadelszen, Love, Thompson, Winters and McDonald.**
- 3 Adopts the Emergency Committee's Terms of Reference.**
- 4 For the purposes of the COVID-19 emergency, delegates to the Chairman, 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.**
- 5 For the purposes of the COVID-19 emergency, approves the Chief Executive's financial delegation be set at \$1million, to allow for any unanticipated urgent expenditure. Any such unanticipated expenditure to be reported back to the Emergency Committee.**
- 6 Delegates the authority and powers of the Chief Executive to:**
 - a. Chris Ingle, General Manager: Integrated Catchment as Acting Chief Executive, in the event that the Chief Executive is unable to fulfil her duties due to COVID-19; and**

- b. agrees where the delegated Acting Chief Executive is unable to fulfil such duties due to COVID-19, the Chief Executive's delegated authority and powers will deescalate to the next designated General Manager:**

Mat Taylor: General Manager: Corporate
Sarah Omundsen: General Manager: Regulatory Services
Namouta Poutasi: General Manager: Strategy & Science
Karen Aspey: People & Capability Manager.

1 Background

As the COVID-19 situation continues to evolve, our approach is to focus on the health and wellbeing of our people, as our first priority, and to take an informed approach that is sensible, balanced and respectful of our diverse community. We are doing this by ensuring our approach is based on the expert medical advice of the Ministry of Health and as directed by our Prime Minister.

This balanced approach aims to take into account the health and wellbeing impacts of COVID-19 itself, and the secondary consequences of any response we make. This includes impacts on our country's health system and the ability to provide care to those that need it, minimising disruption of service to our community, and the potentially damaging economic impacts on our community.

As we understand and reflect on the growing body of information about COVID-19, we feel that it is important to take a calm and balanced view which evolves over time, making sensible assumptions about the likely impacts and to focus our efforts on practical, meaningful responses. We are actively evaluating responses based on the reality of their effectiveness and being guided by the health authorities.

The spread of COVID-19 will naturally have an impact on where our people work, including: some taking time to rest and recover if they become ill and others working from home as a preventative measure. We have a robust IT remote access infrastructure in place, enabling our people to work remotely, should that be required.

2 Establishing an Emergency Committee

International experience indicates that measures are required to be put in place should the Council be unable to meet collectively, either physically or in a virtual meeting room environment, to consider and make decisions on urgent matters. To prepare for such an event, it is advisable that an Emergency Committee be established to ensure decisions can be made as quickly as possible where required. The Terms of Reference have been modelled on various councils across the country.

In the interest of effective and timely decision making in an emergency environment, it is proposed the membership consist of three: the Chairman, Deputy Chair and one Committee Chair whose Terms of Reference the matter of urgency falls under. Where one of the members is unable to fulfil their duties for whatever reason, an alternate Committee Chair will be required to undertake the role of member.

The provisions of calling an emergency meeting is identified in BOPRC's Standing Orders 8.5 and may be called by the Committee Chair or if unavailable the Chief Executive. The process for calling Emergency Meetings including public notices is also in accordance with 8.6 and 8.7.

Where an Emergency Meeting has been called Councillors will be notified details by email. Agendas and Minutes of the Emergency Meeting will also be circulated to Councillors.

After the event for which the Emergency Committee has been called, Council will receive a report summarising the Committee's activity and any decisions made over the period. At that point it will be recommended that Council deactivate the Emergency Committee and the Chief Executive's emergency delegations.

3 Chief Executive's Emergency Financial Delegations

In anticipation of a COVID-19 national lockdown a situation may arise where payment or procurement of unexpected work or purchase of items may be required. Council's approval is therefore sought to ensure appropriate financial delegations are in place to enable the Chief Executive to respond immediately during these unprecedented times. Any such expenditure will be communicated to the Chairman and Deputy Chair and reported formally through the Emergency Committee.

4 Governance Business Continuity Plan

As part of the Bay of Plenty Regional Council activating its Business Continuity Plan for COVID-19, Councillors informally provided direction to cancel large public meetings and also to consider each future meeting and hui in regards to whether it should proceed, be postponed or cancelled.

In making that decision, key matters for Committee Chairs to consider are: expected number of persons present, the number of key regional decision makers in attendance and the size of the venue to allow each person attending to have adequate distance between each other.

Where meetings are to proceed Governance Services have already activated Phase 1 of the Business Continuity Plan (BCP) as above, which is currently provided for under BOPRC Standing Orders.

This reduces the number of people physically present by enabling Councillors and staff to VC into meetings from either Whakatāne or Rotorua offices so long as there is a quorum physically present in the meeting room. In effect this means the meeting venue for Council and core committees will be at Regional House, Tauranga to ensure the Local Government Act quorum requirements of at least half the number of people physically present in the room can be met.

Local Government NZ (LGNZ), Department of Internal Affairs (DIA) and Society of Local Government Managers (SOLGM) are providing guidance to councils on how the LGA 2002 quorum requirements (schedule 7, clause 23) may be modified as well as the wider contingency context should there be a community wide outbreak.

Once the LGA quorum provisions have been modified to accommodate these unprecedented times Phase 2 of the Governance BCP will support individuals entering a virtual meeting room from their devices at home.

Meetings will now be recorded and made available on the BOP website with key messaging advising members of the public, in the interest of public health, to access these recordings rather than physically attend meetings. Those wishing to speak in the Public Forum of a meeting will be able to do so through the virtual meeting platform.

Phase 3 of the BCU suspends all core committees and subcommittees of Council, with the Emergency Committee attending to urgent business matters only, either physically or through the vertical meeting room provision.

5 Acting Chief Executive Delegations

In the unlikely event that the Chief Executive is unable to undertake her responsibilities due to COVID-19, Council is asked to approve the recommended delegation chain among the Group Managers. The recommendation suggests a deescalating hierarchy in the event of the Acting Chief Executive also becoming unwell and unavailable to undertake delegated duties.

6 Budget Implications

6.1 Current Year Budget and Future Budget Implications

There are no foreseen current year and future budget implications in relation to changes to emergency governance requirements or the Chief Executive delegation arrangements in response to COVID-19 precautions.

7 Community Outcomes

This item/project directly contributes to all the Community Outcome in the Council's Long Term Plan 2018-2028.

8 What Next

New meeting arrangements and information will be published on our website with the public advised on how to access recordings of meetings. Members of the various committees and joint committee will be advised of meeting cancellations or how to participate in meetings as required.

Once advice has been received on the modification of LGA 2002 quorum requirements, this will be put into effect immediately.

Yvonne Tatton
Governance Manager

for Chief Executive

20 March 2020

Appendix 1

Emergency Committee

Membership

Chairperson	Chairman Doug Leeder
Deputy Chairperson	Cr Jane Nees
Members	The Committee Chair whose portfolio aligns to the matter of urgency in the first instance or in the second instance is available. In the event that the Committee Chair whose portfolio aligns to the matter of urgency is unavailable, any One (1) of the Core Committee Chairs will serve as an Alternate.
Quorum	Two members.
Meeting frequency	As required.

Purpose

- To determine matters within the authority of Council where the urgency of those matters precludes a full meeting of the Council, or emergency legislation is enacted.

Role

- To exercise all Council functions that cannot be exercised by the Council using its standard processes and procedures due to a pandemic, other natural disaster or state of emergency, except for those that:
 - Have been delegated to staff
 - Cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation

Power to Act

- The Emergency Committee can only be activated by resolution of Council for specific events, or where resolution by Council is not possible, on the joint authority of the BOPRC Chair and Deputy Chair.

Power to Recommend

- The Emergency Committee reports to the Regional Council.

