Tira Kāwana / Governing Body

OPEN MINUTES

Minutes of an extraordinary meeting of the Governing Body held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Tuesday, 24 March 2020 at 12.02pm.

PRESENT

Mayor

Hon Phil Goff, CNZM, JP

Deputy Mayor

Deputy Mayor Cr Bill Cashmore

Councillors

Cr Josephine Bartley
Cr Dr Cathy Casey
Cr Fa’anana Efeso Collins
Cr Pippa Coom
Cr Linda Cooper, JP
Cr Angela Dalton
Cr Chris Darby
Cr Alf Filipaina
Cr Christine Fletcher
Cr Shane Henderson
Cr Richard Hills
Cr Tracy Mulholland
Cr Daniel Newman, JP
Cr Greg Sayers
Cr Desley Simpson, JP
Cr Sharon Stewart, QSM
Cr Wayne Walker
Cr John Watson
Cr Paul Young
1 Affirmation

His Worship the Mayor will read the affirmation.

2 Apologies

There were no apologies.

Resolution number GB/2020/31

MOVED by Mayor P Goff, seconded by Deputy Mayor BC Cashmore:

That the Governing Body:

a) approve the electronic attendance of:

Councillors J Bartley, E Collins, P Coom, A Dalton, C Fletcher, T Mulholland, G Sayers, S Stewart, W Walker, J Watson

to accommodate the evolving situation with COVID-19 which makes their physical presence at the meeting impossible.

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Petitions

There were no petitions section.

5 Public Input

There was no public input section.

6 Local Board Input

There was no local board input section.

7 Extraordinary Business

There was no extraordinary business.
8  **Governing Body decision-making continuity during the COVID-19 response period**

Note: changes were made to original recommendation e) ii) with the agreement of the meeting.

MOVED by Mayor P Goff, seconded by Cr L Cooper:

That the Governing Body:

a) note that expectations to reduce or avoid social interaction, as part of the country’s response to the COVID-19 epidemic, restrict physical attendance at meetings of the governing body and its committees and sub-committees

b) note that Standing Order 3.3.3 provides for a member to attend a meeting by audio or audiovisual link in emergencies and if approved by the governing body or committee

c) approve attendance at any meeting of the governing body or its committees (and sub-committees) by audio or audiovisual link for any member of the governing body (or relevant committee) during the period of the COVID-19 response period

d) note that at the time of writing this report, an Order in Council under the Epidemic Preparedness Act 2006 is imminent which will make all members, whether attending physically or by audio-visual or audio link count towards a quorum

e) establish a temporary Emergency Committee of the whole of the governing body, to assume the functions and power of all governing body committees (and sub-committees), except for the Audit and Risk Committee and that the Terms of Reference for the temporary Emergency Committee will include the following:

i) agree the quorum will comprise two members of the governing body. All of the governing body may participate in the meeting by audio or audio-visual link

ii) agree the mayor and deputy mayor will be the chair and deputy chair of the committee respectively. In the absence of either being available the meeting will elect a chair.

iii) agree that meetings of the temporary Emergency Committee will generally be held weekly

iv) agree the Independent Māori Statutory Board may appoint up to two members to sit on the temporary Emergency Committee to vote on items that would under normal circumstances have been decided on by a committee where they were a member. Those members to be the chair and one other nominated by the chair of the Independent Māori Statutory Board

f) agree that the temporary Emergency Committee be established immediately

g) note that for the period when the Emergency Committee is in operation, it will be deemed to be the statutory committee required under s12(i) of the Civil Defence and Emergency Management Act 2002 (CDEM) Act, and will have all the functions and powers of the Civil Defence and Emergency Management Committee as set out in the Governing Body terms of reference. Those functions and powers will revert to the Civil Defence and Emergency Management Committee when the emergency committee is deemed to be discharged in accordance with clause 1)

h) adopt the Terms of Reference for the temporary Emergency Committee provided in Attachment A of the agenda report

i) delegate all the functions and powers of the governing body that can legally be delegated to the temporary Emergency Committee when in operation other than those in the Audit and Risk Committee
j) note, for the avoidance of doubt, and unless an Order in Council states otherwise, that when a decision is required that can only be made by the full Governing Body (such as one of those set out in clause 32(1) of Schedule 7 of the Local Government Act 2002) a meeting of the Governing Body will need to be held.

k) agree that, if a temporary Emergency Committee is established, all scheduled meetings of all other committees (except Audit and Risk Committee) will be suspended during the period the temporary Emergency Committee is in operation.

l) authorise the mayor, deputy mayor on recommendation of the chief executive, to decide the end of the period during which the temporary Emergency Committee arrangements will operate and agree that at that point the temporary Emergency Committee will be deemed to be discharged.

m) agree that in the event there is a legislative change to enable those attending by electronic link to be counted as part of the quorum, amend standing order 3.3.2 from¹:

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

However, if the meeting otherwise has a quorum, then the member attending by electronic link can vote on any matters raised at the meeting.

to the following:

Members who attend meetings by electronic link will be counted as present for the purposes of a quorum.

The member attending by electronic link can vote on any matters raised at the meeting.

n) amend standing orders by inserting a new Standing Order 3.3.10 as follows²:

Attendance of non-members by electronic link

A person other than a member of the Governing Body, or the relevant committee, may participate in a meeting of the Governing Body or committee by means of audio link or audio-visual link in emergencies if the person is otherwise approved to participate under these standing orders (such as under Standing Order 6.2 “Local board input” or 7.7 “Public input”.

o) amend standing orders by amending Standing Order 3.3.5, in relation to a chairperson’s duties in regard to attendance by electronic link³:

Chairperson’s duties

Where a member is attending a meeting by electronic link, the chairperson must ensure that:

a) the technology for the link is available and of suitable quality

b) procedures for using the technology in the meeting will ensure that:

   (i) everyone participating in the meeting can hear each other

   (ii) the member’s attendance by electronic link does not reduce their accountability or accessibility in relation to the meeting

   (iii) the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 are met

   (iv) the requirements in these standing orders are met

   (v) the member is able to indicate the member’s vote

¹ This resolution requires 75% agreement of the members present
² This resolution requires 75% agreement of the members present
³ This resolution requires 75% agreement of the members present
p) agree to change Auckland Council’s Standing Orders to provide full discretion to the chair of the Emergency Committee to decline public input requests

q) agree to establish a COVID-19 Contingency Fund of $22.5 million to enable the Chief Executive to commit the council to any urgent expenditure required to respond to COVID-19 or its impacts, with any expenditure to be subsequently reported back at an appropriate opportunity.

Note: clauses a) to l) and q) were put.

Resolution number GB/2020/32

MOVED by Mayor P Goff, seconded by Cr L Cooper:

That the Governing Body:

a) note that expectations to reduce or avoid social interaction, as part of the country’s response to the COVID-19 epidemic, restrict physical attendance at meetings of the governing body and its committees and sub-committees

b) note that Standing Order 3.3.3 provides for a member to attend a meeting by audio or audiovisual link in emergencies and if approved by the governing body or committee

c) approve attendance at any meeting of the governing body or its committees (and sub-committees) by audio or audiovisual link for any member of the governing body (or relevant committee) during the period of the COVID-19 response period

d) note that at the time of writing this report, an Order in Council under the Epidemic Preparedness Act 2006 is imminent which will make all members, whether attending physically or by audio-visual or audio link count towards a quorum

e) establish a temporary Emergency Committee of the whole of the governing body, to assume the functions and power of all governing body committees (and sub-committees), except for the Audit and Risk Committee and that the Terms of Reference for the temporary Emergency Committee will include the following:

i) agree the quorum will comprise two members of the governing body. All of the governing body may participate in the meeting by audio or audiovisual link

ii) agree the mayor and deputy mayor will be the chair and deputy chair of the committee respectively. In the absence of either being available the meeting will elect a chair.

iii) agree that meetings of the temporary Emergency Committee will generally be held weekly

iv) agree the Independent Māori Statutory Board may appoint up to two members to sit on the temporary Emergency Committee to vote on items that would under normal circumstances have been decided on by a committee where they were a member. Those members to be the chair and one other nominated by the chair of the Independent Māori Statutory Board

f) agree that the temporary Emergency Committee be established immediately

4 This resolution requires 75% agreement of the members present
g) note that for the period when the Emergency Committee is in operation, it will be deemed to be the statutory committee required under s12(l) of the Civil Defence and Emergency Management Act 2002 (CDEM) Act, and will have all the functions and powers of the Civil Defence and Emergency Management Committee as set out in the Governing Body terms of reference. Those functions and powers will revert to the Civil Defence and Emergency Management Committee when the emergency committee is deemed to be discharged in accordance with clause l)

h) adopt the Terms of Reference for the temporary Emergency Committee provided in Attachment A of the agenda report

i) delegate all the functions and powers of the governing body that can legally be delegated to the temporary Emergency Committee when in operation other than those in the Audit and Risk Committee

j) note, for the avoidance of doubt, and unless an Order in Council states otherwise, that when a decision is required that can only be made by the full Governing Body (such as one of those set out in clause 32(1) of Schedule 7 of the Local Government Act 2002) a meeting of the Governing Body will need to be held.

k) agree that, if a temporary Emergency Committee is established, all scheduled meetings of all other committees (except Audit and Risk Committee) will be suspended during the period the temporary Emergency Committee is in operation

l) authorise the mayor, deputy mayor on recommendation of the chief executive, to decide the end of the period during which the temporary Emergency Committee arrangements will operate and agree that at that point the temporary Emergency Committee will be deemed to be discharged

and

q) agree to establish a COVID-19 Contingency Fund of $22.5 million to enable the Chief Executive to commit the council to any urgent expenditure required to respond to COVID-19 or its impacts, with any expenditure to be subsequently reported back at an appropriate opportunity.
A division was called for, voting on which was as follows:

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The motion was declared **CARRIED** by 21 votes to 0. **CARRIED UNANIMOUSLY**

Note: clauses m) to p) were put.

Resolution number GB/2020/33

MOVED by Mayor P Goff, seconded by Cr L Cooper:

**That the Governing Body:**

m) agree that in the event there is a legislative change to enable those attending by electronic link to be counted as part of the quorum, amend standing order 3.3.2 from\(^5\):

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

However, if the meeting otherwise has a quorum, then the member attending by electronic link can vote on any matters raised at the meeting.

to the following:

Members who attend meetings by electronic link will be counted as present for the purposes of a quorum.

The member attending by electronic link can vote on any matters raised at the meeting.

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\(^5\) This resolution requires 75% agreement of the members present
n) amend standing orders by inserting a new Standing Order 3.3.10 as follows\(^6\):

**Attendance of non-members by electronic link**

A person other than a member of the Governing Body, or the relevant committee, may participate in a meeting of the Governing Body or committee by means of audio link or audio-visual link in emergencies if the person is otherwise approved to participate under these standing orders (such as under Standing Order 6.2 “Local board input” or 7.7 “Public input”).

o) amend standing orders by amending Standing Order 3.3.5, in relation to a chairperson’s duties in regard to attendance by electronic link\(^7\), as follows:

**Chairperson’s duties**

Where a member is attending a meeting by electronic link, the chairperson must ensure that:

a) the technology for the link is available and of suitable quality

b) procedures for using the technology in the meeting will ensure that:

(i) everyone participating in the meeting can hear each other

(ii) the member’s attendance by electronic link does not reduce their accountability or accessibility in relation to the meeting

(iii) the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 are met

(iv) the requirements in these standing orders are met

(v) the member is able to indicate the member’s vote

p) agree to change Auckland Council’s Standing Orders to provide full discretion to the chair of the Emergency Committee to decline public input requests\(^8\)

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\(^6\) This resolution requires 75% agreement of the members present

\(^7\) This resolution requires 75% agreement of the members present

\(^8\) This resolution requires 75% agreement of the members present
A division was called for, voting on which was as follows:

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The motion was declared **CARRIED** by 21 votes to 0. **CARRIED UNANIMOUSLY**

For clarity resolution is as follows:

That the Governing Body:

a) note that expectations to reduce or avoid social interaction, as part of the country’s response to the COVID-19 epidemic, restrict physical attendance at meetings of the governing body and its committees and sub-committees

b) note that Standing Order 3.3.3 provides for a member to attend a meeting by audio or audiovisual link in emergencies and if approved by the governing body or committee

c) approve attendance at any meeting of the governing body or its committees (and sub-committees) by audio or audiovisual link for any member of the governing body (or relevant committee) during the period of the COVID-19 response period

d) note that at the time of writing this report, an Order in Council under the Epidemic Preparedness Act 2006 is imminent which will make all members, whether attending physically or by audio-visual or audio link count towards a quorum

e) establish a temporary Emergency Committee of the whole of the governing body, to assume the functions and power of all governing body committees (and sub-committees), except for the Audit and Risk Committee and that the Terms of Reference for the temporary Emergency Committee will include the following:

   i) agree the quorum will comprise two members of the governing body. All of the governing body may participate in the meeting by audio or audio-visual link

   ii) agree the mayor and deputy mayor will be the chair and deputy chair of the committee respectively. In the absence of either being available the meeting will elect a chair.

   iii) agree that meetings of the temporary Emergency Committee will generally be held weekly
iv) agree the Independent Māori Statutory Board may appoint up to two members to sit on the temporary Emergency Committee to vote on items that would under normal circumstances have been decided on by a committee where they were a member. Those members to be the chair and one other nominated by the chair of the Independent Māori Statutory Board

f) agree that the temporary Emergency Committee be established immediately

g) note that for the period when the Emergency Committee is in operation, it will be deemed to be the statutory committee required under s12(i) of the Civil Defence and Emergency Management Act 2002 (CDEM) Act, and will have all the functions and powers of the Civil Defence and Emergency Management Committee as set out in the Governing Body terms of reference. Those functions and powers will revert to the Civil Defence and Emergency Management Committee when the emergency committee is deemed to be discharged in accordance with clause l)

h) adopt the Terms of Reference for the temporary Emergency Committee provided in Attachment A of the agenda report

i) delegate all the functions and powers of the governing body that can legally be delegated to the temporary Emergency Committee when in operation other than those in the Audit and Risk Committee

j) note, for the avoidance of doubt, and unless an Order in Council states otherwise, that when a decision is required that can only be made by the full Governing Body (such as one of those set out in clause 32(1) of Schedule 7 of the Local Government Act 2002) a meeting of the Governing Body will need to be held.

k) agree that, if a temporary Emergency Committee is established, all scheduled meetings of all other committees (except Audit and Risk Committee) will be suspended during the period the temporary Emergency Committee is in operation

l) authorise the mayor, deputy mayor on recommendation of the chief executive, to decide the end of the period during which the temporary Emergency Committee arrangements will operate and agree that at that point the temporary Emergency Committee will be deemed to be discharged

m) agree that in the event there is a legislative change to enable those attending by electronic link to be counted as part of the quorum, amend standing order 3.3.2 from9:

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

However, if the meeting otherwise has a quorum, then the member attending by electronic link can vote on any matters raised at the meeting.

to the following:

Members who attend meetings by electronic link will be counted as present for the purposes of a quorum.

The member attending by electronic link can vote on any matters raised at the meeting.

---

9 This resolution requires 75% agreement of the members present
n) amend standing orders by inserting a new Standing Order 3.3.10 as follows\textsuperscript{10}:–

\textbf{Attendance of non-members by electronic link}

A person other than a member of the Governing Body, or the relevant committee, may participate in a meeting of the Governing Body or committee by means of audio link or audio-visual link in emergencies if the person is otherwise approved to participate under these standing orders (such as under Standing Order 6.2 “Local board input” or 7.7 “Public input”).

o) amend standing orders by amending Standing Order 3.3.5, in relation to a chairperson’s duties in regard to attendance by electronic link\textsuperscript{11}; as follows:

\textbf{Chairperson’s duties}

Where a member is attending a meeting by electronic link, the chairperson must ensure that:

\begin{itemize}
  \item [a)] the technology for the link is available and of suitable quality
  \item [b)] procedures for using the technology in the meeting will ensure that:
    \begin{itemize}
      \item [(i)] everyone participating in the meeting can hear each other
      \item [(ii)] the member’s attendance by electronic link does not reduce their accountability or accessibility in relation to the meeting
      \item [(iii)] the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 are met
      \item [(iv)] the requirements in these standing orders are met
      \item [(v)] the member is able to indicate the member’s vote
    \end{itemize}
\end{itemize}

\textbf{p) agree to change Auckland Council’s Standing Orders to provide full discretion to the chair of the Emergency Committee to decline public input requests}\textsuperscript{12}

\textbf{q) agree to establish a COVID-19 Contingency Fund of $22.5 million to enable the Chief Executive to commit the council to any urgent expenditure required to respond to COVID-19 or its impacts, with any expenditure to be subsequently reported back at an appropriate opportunity.}

\section{Consideration of Extraordinary Items}

There was no consideration of extraordinary items.

\textbf{1.08 pm}

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

\textbf{CONFIRMED AS A TRUE AND CORRECT RECORD AT A MEETING OF THE GOVERNING BODY HELD ON}

\textbf{DATE:}.................................................................

\textbf{CHAIRPERSON:}..........................................................\textsuperscript{10} This resolution requires 75% agreement of the members present
\textsuperscript{11} This resolution requires 75% agreement of the members present
\textsuperscript{12} This resolution requires 75% agreement of the members present