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## Tira Kāwana / Governing Body

# OPEN MINUTES

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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.

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### PRESENT

<b>Mayor</b>	Hon Phil Goff, CNZM, JP
<b>Deputy Mayor</b>	Deputy Mayor Cr Bill Cashmore
<b>Councillors</b>	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

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**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 accommdate the evolving situation with COVID-19 which makes their  
physical pesence 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 I)
- 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 from<sup>1</sup>:
- 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 follows<sup>2</sup>:

***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<sup>3</sup>, 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*

<sup>1</sup> This resolution requires 75% agreement of the members present

<sup>2</sup> This resolution requires 75% agreement of the members present

<sup>3</sup> 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<sup>4</sup>
- 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 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**

<sup>4</sup> 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(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**
- 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:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr J Bartley		
Cr C Casey		
Deputy Mayor BC Cashmore		
Cr E Collins		
Cr P Coom		
Cr L Cooper		
Cr A Dalton		
Cr C Darby		
Cr A Filipaina		
Cr C Fletcher		
Mayor P Goff		
Cr S Henderson		
Cr R Hills		
Cr T Mulholland		
Cr D Newman		
Cr G Sayers		
Cr D Simpson		
Cr S Stewart		
Cr W Walker		
Cr J Watson		
Cr P Young		

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<sup>5</sup>:

*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.*

<sup>5</sup> This resolution requires 75% agreement of the members present



- n) amend standing orders by inserting a new Standing Order 3.3.10 as follows<sup>6</sup>:
- 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<sup>7</sup>; 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<sup>8</sup>

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<sup>6</sup> This resolution requires 75% agreement of the members present

<sup>7</sup> This resolution requires 75% agreement of the members present

<sup>8</sup> This resolution requires 75% agreement of the members present

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr J Bartley		
Cr C Casey		
Deputy Mayor BC Cashmore		
Cr E Collins		
Cr P Coom		
Cr L Cooper		
Cr A Dalton		
Cr C Darby		
Cr A Filipaina		
Cr C Fletcher		
Mayor P Goff		
Cr S Henderson		
Cr R Hills		
Cr T Mulholland		
Cr D Newman		
Cr G Sayers		
Cr D Simpson		
Cr S Stewart		
Cr W Walker		
Cr J Watson		
Cr P Young		

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 from<sup>9</sup>:  
*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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<sup>9</sup> This resolution requires 75% agreement of the members present

- n) amend standing orders by inserting a new Standing Order 3.3.10 as follows<sup>10</sup>:

**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<sup>11</sup>., 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<sup>12</sup>
- 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.

## 9 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

1.08 pm

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

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE GOVERNING BODY HELD  
ON

**DATE:**.....

**CHAIRPERSON:**.....

<sup>10</sup> This resolution requires 75% agreement of the members present

<sup>11</sup> This resolution requires 75% agreement of the members present

<sup>12</sup> This resolution requires 75% agreement of the members present