

EMERGENCY MEETING

OF

WELLINGTON CITY COUNCIL

MINUTES

Time: 3:00 pm
Date: Monday, 23 March 2020
Venue: Ngake (16.09)
Level 16, Tahiwī
113 The Terrace
Wellington

PRESENT

Mayor Foster
Councillor Calvert
Councillor Condie (via audiovisual link)
Councillor Day (via audiovisual link)
Councillor Fitzsimons
Councillor Foon
Deputy Mayor Free
Councillor Matthews
Councillor O'Neill
Councillor Pannett (via audiovisual link)
Councillor Paul (via audiovisual link)
Councillor Rush (via audiovisual link)
Councillor Sparrow
Councillor Woolf
Councillor Young

TABLE OF CONTENTS

23 MARCH 2020

Business	Page No.
1. Meeting Conduct	5
1.1 Karakia	5
1.2 Apologies	5
1.3 Announcements by the Mayor	5
1.4 Conflict of Interest Declarations	5
1.5 Confirmation of Minutes	5
1.6 Items not on the Agenda	6
1.7 Public Participation	6
2. General Business	7
2.1 Submission on Residential Tenancies Amendment Bill	6
2.2 Delegations for decision-making due to covid-19	9
3. Committee Reports	9
3.1 Report of the Regulatory Processes Committee Meeting of 4 March 2020	7
3.2 Report of the Strategy and Policy Committee Meeting of 12 March 2020	8
4. Public Excluded	13
4.1 Public Excluded Report of the Regulatory Processes Committee Meeting of 4 March 2020	13

1 Meeting Conduct

1.1 Karakia

The Chairperson opened the meeting at 3:08 pm with the following karakia.

Whakataka te hau ki te uru,	Cease oh winds of the west
Whakataka te hau ki te tonga.	and of the south
Kia mākinakina ki uta,	Let the bracing breezes flow,
Kia mātaratara ki tai.	over the land and the sea.
E hī ake ana te atākura.	Let the red-tipped dawn come
He tio, he huka, he hauhū.	with a sharpened edge, a touch of frost,
Tihei Mauri Ora!	a promise of a glorious day

1.2 Apologies

No apologies were received.

1.3 Announcements by the Mayor

The Mayor mentioned the Prime Minister's announcement about Covid-19 today and emphasised the importance of getting through this situation with the least possible harm to community. The Mayor also mentioned that the Chief Executive had announced a new structure in response to COVID-19

1.4 Conflict of Interest Declarations

No conflicts of interest were declared.

1.5 Confirmation of Minutes

Moved Mayor Foster, seconded Deputy Mayor Free

Resolved

That the Council:

1. Approve the minutes of the Ordinary Council Meeting held on 26 February 2020, having been circulated, that they be taken as read and confirmed as an accurate record of that meeting.

A division was required under Standing Order 3.18.6(d), voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 15:0

Carried

1. 6 Items not on the Agenda

There were no items not on the agenda.

1. 7 Public Participation

There was no public participation.

Note: In accordance with Standing Order 3.9.2, the Chairperson accorded precedence to some items of business and announced that the agenda would be considered in the following order:

- Item 2.1 Submission on Residential Tenancies Amendment Bill
- Item 3.1 Report of the Regulatory Processes Committee Meeting of 4 March 2020
- Item 3.2 Report of the Strategy and Policy Committee Meeting of 12 March 2020
- Item 2.2 Delegations for decision-making due to covid-19
- Item 4.1 Public Excluded Report of the Regulatory Processes Committee Meeting of 4 March 2020

2. General Business

2.1 Submission on Residential Tenancies Amendment Bill

Moved Councillor Fitzsimons, seconded Councillor Calvert

Resolved

That the Council:

1. Receive the information.
2. Approve the submission on the Residential Tenancies Amendment Bill, as set out in Attachment 1.
3. Agree to delegate authority to the Housing Portfolio Leader and the Chief Executive to finalise the submission, consistent with discussions and any amendments made by the Committee.

A division was required under Standing Order 3.18.6(d), voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 15:0

Carried

3. Committee Reports

3.1 Report of the Regulatory Processes Committee Meeting of 4 March 2020

PROPOSED ROAD STOPPING AND LAND EXCHANGE - 5 TAWA TERRACE, TAWA

Moved Councillor Sparrow, seconded Councillor Matthews

Resolved

That the Council:

1. Declare that approximately 12.5m² (subject to survey) of unformed legal road land in Tawa Terrace, Tawa, shown outlined red in Attachment 2 (the Land), and adjoining 5

Tawa Terrace (being Lot 2 DP 31661 ROT WN8C/1000) is not required for a public work and is surplus to Council requirements.

2. Agree to dispose of the Land.
3. Agree to acquire, in exchange, approximately 15m² of land, shown coloured green on Attachment 3, and vest it as road pursuant to Section 114 of the Public Works Act.
4. Delegate to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land and the vesting of the new road, including all legislative matters, declaring the road stopped, negotiating the terms of sale or exchange, imposing and reasonable covenants, and anything else necessary.

A division was required under Standing Order 3.18.6(d), voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 15:0

Carried

Attachments 2 & 3

Reference to be made to Attachments 2 and 3 of item 2.7 on the Regulatory Process Committee meeting agenda of 4 March 2020.

3.2 Report of the Strategy and Policy Committee Meeting of 12 March 2020

WELLINGTON CITY COUNCIL STANDING ORDERS REVIEW

Moved Deputy Mayor Free, seconded Councillor Day

Resolved

That the Council:

1. Adopt the amended set of standing orders (Attachment 1).

A division was required under Standing Order 3.18.6(d), voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 15:0

Carried

Attachment 1

Reference to be made to Attachment 1 of item 3.2 on the Council agenda of 23 March 2020.

The meeting temporarily adjourned at 3:20 pm and reconvened at 3:28 pm with all the members present.

2. General Business (continued)

2.2 Delegations for decision-making due to covid-19

Moved Mayor Foster, seconded Councillor Young

Resolved

That the Council:

1. Receive the information.
2. Note that any legislative change to remove the requirement that councillors meet "in person" in order to satisfy a quorum is likely to take some weeks.
3. Note that the Epidemic Preparedness Act 2006 process to modify legislation has not yet been commenced.
4. Delegate to the Strategy and Policy Committee the following Council delegations (as contained in clause 2 of the terms of reference):
 - a. To approve Council strategy, policy and reserve management plans (clause 2(b))
 - b. To remove chairpersons of committees and subcommittees and to remove Portfolio Leaders (clause 2(c))
 - c. To approve the Local Governance Statement (clause 2(f))
 - d. To determine whether or how to fill any extraordinary Council vacancies (Clause 2(g))
 - e. To appoint or remove trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs), external members to Committees and to other external bodies (clause 2(i))
 - f. In respect of the Wellington District Plan: (i) to approve the recommendation of

hearings commissioners on a proposed plan, plan change or variation (including private plan change) and (ii) to approve a proposed plan or a change to a district plan under clause 17 of the First Schedule of the Resource Management Act 1991 (clause 2(j))

- g. To promote any legislation or significant amendments to legislation relating to Wellington (e.g. a Local Bill) (clause 2(l))
- h. To exercise any authority which it has delegated to a committee, subcommittee or officer, which is referred to it for decision (clause 2(m))

5. Note that under Standing Order 2.5.4 and the terms of reference for the Strategy and Policy Committee, the quorum for the committee is 8 members and that a majority of 75% of members present and voting is required to suspend this.
6. Agree that Standing Orders 2.5.4 and 3.6.4 of the Wellington City Council Standing Orders for Meetings of Council, Committees and Subcommittees (2015 Standing Orders), be suspended in accordance with standing order 2.1.3, until such time as the Council resolves to revoke the suspension (when the COVID-19 crisis has passed).
7. Agree that, and upon its commencement on 1 April 2020, standing order 6.4 of the Wellington City Council Standing Orders For Meetings of Council, Committees and Subcommittees Updated March 2020 (2020 Standing Orders (if adopted)) will be suspended until such time as the Council resolves to revoke the suspension (when the COVID-19 crisis has passed).
8. **Agree that in the event there is a legislative change to enable those attending via audio or audiovisual link to be counted as present for the purposes of the quorum, the following standing orders be amended:**
 - a) **Standing order 2.21.6 (2015 Standing orders) and standing order 15.5 (2020 Standing Orders) be amended to read:**

Members who attend meetings by audio or audiovisual link will be counted as present for the purposes of a quorum. The member attending by audio or audiovisual link can vote on any matters raised at the meeting.
 - b) **Standing Order 2.22.4(d) (2015 Standing Orders) be inserted as follows:**

(d) In the event of an emergency (as determined by the presiding member) the notice to give two clear working days' written notice of a person's desire to participate (as required under Standing Order 2.22.4(a) may be waived, at the sole discretion of the presiding member.
 - c) **Standing Order 15.3(e) (2020 Standing Orders) be inserted as follows:**
 - (e) **In the event of an emergency (as determined by the presiding member) the notice to give two clear working days' written notice of a person's desire to participate (as required under Standing Order 15.3(a) may be waived, at the sole discretion of the presiding member.**
 - d) **Standing order 2.21.5 (2015 Standing Orders) to include the following two points after [C]:**

[D] The member is able to indicate the member's vote

- [E] The requirements in these standing orders are met
- e) Standing order 15.4 (2020 Standing Orders) to include the following point after [iv]:
- [v] The member is able to indicate the member's vote
9. Agree to amend the quorum of the following Council committees and subcommittees to 2 members:
- Strategy and Policy Committee
 - Annual Plan / LTP Committee
 - Regulatory Processes Committee
 - Finance, Audit and Risk Subcommittee
 - Grants Subcommittee
 - Council-Controlled Organisation Subcommittee
 - CEO Performance Review Committee**
10. Note that pursuant to standing order 15.1 and 15.5 of the 2020 Standing Orders all councillors who are members of the relevant committee or subcommittee will be able to attend and vote at any meeting via audio link or audiovisual link provided certain conditions are met.
11. Delegate to the Mayor **and** Deputy Mayor, **and every elected member (as alternates)** all responsibilities, duties and powers of all **Council**, Council committees, or subcommittees (except any decisions that cannot be delegated by law), provided that such delegation will only take effect if:
- the Chief Executive determines:
 - that an urgent decision to enable the proper performance of Council functions is required by **Council, a Council** committee or subcommittee; and
 - that in the circumstances it is not possible or is impractical to convene a meeting or obtain a quorum for **Council, a Council** committee, or subcommittee (as relevant), due to the COVID-19 pandemic.
 - any two delegates (as referred to in clause 11) are requested by the Chief Executive to make a decision that would otherwise be the responsibility of **Council, a Council** committee or subcommittee, and both delegates agree that clauses i and ii of clause 11 (a) are satisfied; and
 - any agreement on the decision must be made by two delegates and must be unanimous.
12. **Note that the delegation in clause 11 may be exercised at any one time by the Mayor and Deputy Mayor (together) and (in the event that the Chief Executive determines that it is unreasonable or impractical for the Mayor or Deputy Mayor to exercise the delegation) by any two elected members as determined by the Chief Executive.**
13. **Note that, in granting the delegation at clause 11, Council intends that each delegate consult with the other elected members (where practicable) prior to making the decision.**

14. Recommend to the Chief Executive, that in determining which Elected Member should be delegated a particular decision, that the Chief Executive should have regard to the portfolios, committee chairmanship and subject matter expertise held by each elected member.
15. Agree that any decision made pursuant to the delegation set out in clause 11 will be binding on Council.
16. Agree that decisions made pursuant to the delegation set out in clause 11 under these delegations will be circulated to all councillors and the public as soon as possible and be reported at the earliest possible full Council meeting.
17. Note that the delegation set out in clause 11 is intended to be used as a contingency and is made in order to ensure that Council can continue to undertake its proper functions throughout the pandemic.
18. Note that the Chief Executive and officer delegations that are currently in place, and Council delegations that cannot be delegated by law, are unaffected by this resolution and will remain with the Chief Executive, officers or Council as applicable.
19. Note that a memo has been prepared so that the Mayor may designate Deputy Mayor Sarah Free and, in her absence, Councillor Malcolm Sparrow with the ability to declare a local emergency for Wellington City (in the event that the Mayor is absent) in accordance with the Civil Defence Emergency Management Act 2002.
20. Agree that the emergency delegations for decision-making due to Covid-19 will be reviewed when the alert status reverts back to level 2.

A division was required under Standing Order 3.18.6(d), voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 15:0

Carried

Secretarial note: With the leave of the meeting the original motion was amended with changes marked in red.

4. Public Excluded

Moved Mayor Foster, seconded Councillor Matthews

Resolved

That the Council:

1. Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
4.1 Public Excluded Report of the Regulatory Processes Committee Meeting of 4 March 2020	Section 7(2)(i) – The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section s48(1)(a) - That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.

A division was required under Standing Order 3.18.6(d), voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 15:0

Carried

The meeting went into public excluded session at 3:30 pm.

The meeting returned from public excluded session at 3:35 pm and concluded at 3.36pm with the reading of the following karakia:

Unuhia, unuhia, unuhia ki te uru tapu nui	Draw on, draw on
Kia wātea, kia māmā, te ngākau, te tinana, te wairua	Draw on the supreme sacredness To clear, to free the heart, the body and the spirit of mankind
I te ara takatū	
Koia rā e Rongo, whakairia ake ki runga	Oh Rongo, above (symbol of peace)
Kia wātea, kia wātea	Let this all be done in unity
Āe rā, kua wātea!	

Authenticated: _____

Chair