

# Extraordinary Council Meeting Agenda - 9 February 2021



Meeting will be held electronically and livestreamed  
Link to: [Otago Regional Council YouTube Channel](#)

## Members:

Cr Andrew Noone, Chairperson	Cr Gary Kelliher
Cr Michael Laws, Deputy Chairperson	Cr Kevin Malcolm
Cr Hilary Calvert	Cr Gretchen Robertson
Cr Michael Deaker	Cr Bryan Scott
Cr Alexa Forbes	Cr Kate Wilson
Cr Carmen Hope	

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Dianne Railton, Governance Support Officer

09 February 2022 01:00 PM

Agenda Topic	Page
1. APOLOGIES No apologies were received prior to publication of the agenda.	
2. CONFIRMATION OF AGENDA Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
3. CONFLICT OF INTEREST Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.	
4. MATTERS FOR COUNCIL CONSIDERATION	3
4.1 <a href="#">OPERATING PROCEDURES FOR GOVERNANCE WITHIN THE RED TRAFFIC LIGHT SETTING OF THE COVID-19 PROTECTION FRAMEWORK</a> The report provides advice on ORC (the organisation's) operational settings under COVID-19 Protection Framework (CPF) Red traffic light setting, and for Council (elected members) to decide on preferences for Council, Committee and workshop/briefing meetings.	3
5. RESOLUTION TO EXCLUDE THE PUBLIC That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987), namely: - Clutha/Mata Au River Dumping Inquiry	9
5.1 <a href="#">Public Exclusion Table</a>	9

6. CLOSURE

#### 4.1. Operating Procedures for Governance within the Red Traffic Light Setting of the COVID-19 Protection Framework

<b>Prepared for:</b>	Council
<b>Report No.</b>	GOV2202
<b>Activity:</b>	Governance Report
<b>Author:</b>	Amanda Vercoe, General Manager, Governance, Culture and Customer
<b>Endorsed by:</b>	Cr Andrew Noone, Chairperson
<b>Date:</b>	9 February 2022

---

#### PURPOSE

- [1] To provide advice on ORC (the organisation's) operational settings under COVID-19 Protection Framework (CPF) Red traffic light setting, and for Council (elected members) to decide on preferences for Council, Committee and workshop/briefing meetings.

#### EXECUTIVE SUMMARY

- [2] After nearly two years managing the COVID-19 global pandemic, on 23 January 2022, New Zealand moved to the Red traffic light setting of the CPF following the latest variant, Omicron being detected in the community. Omicron is much more transmissible than previous variants of the COVID-19 virus, including Delta. At present, data suggests that Omicron does not appear to result in as many people being hospitalised. However, because Omicron can cause so many infections over a short period of time the number of people going to hospital each week has risen steadily in many countries<sup>1</sup>.
- [3] Official advice is at the peak of an Omicron community outbreak, we could expect 25-35 percent of our workforce to be unable to come to the office. For ORC, this will mean a mix of staff who are unwell (fully unable to work) and those who are isolating (able to conduct some work from home, circumstances permitting).
- [4] In response ORC activated its Red CPF operational plan. The purpose of the plan is to manage the health and safety risks of potential COVID-19 exposure, and the risks to business continuity and service disruption likely to be caused by a community outbreak.
- [5] Consistent with the WorkSafe New Zealand hierarchy of controls, our plan aims to eliminate the risk to workers and others accessing ORC sites from being exposed to COVID-19, and where elimination is not possible, to have in place controls that minimise the risk as far as is reasonably practicable. Risk controls are also in place to provide for business continuity, recognising that the red CPF setting means services/businesses continue to operate.
- [6] Currently there is no change in our service levels to the community, or delivery against the 2021/22 Annual Plan – though recently agreed monthly updates to the Chair and Deputy Chair from the Chief Executive will enable early advice on likely impacts.

---

<sup>1</sup> [COVID-19: About the Omicron variant | Ministry of Health NZ](#)

---

- [7] The proposed setting for Council, Committee and workshop/briefing governance meetings was for these to be held online. Alternatives to online meetings include using the chamber with ORC's CPF red 50 percent rule applied – this would mean six Councillors could attend in person, with the remaining five joining online (this ratio would apply to staff as well). Councillors have also suggested choosing to shift meetings to a non-ORC site.
- [8] While ORC has not yet faced disruptions due to COVID-19, we anticipate disruption will be likely in coming weeks. Taking a cautious approach will enable us to keep our staff safe and enable us to continue to deliver essential services to the community.

### **RECOMMENDATION**

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** that the Chief Executive is the primary Officer of the PCBU (Persons conducting a business or undertaking), and as such has a responsibility to assess risk of COVID-19 exposure at the workplace and put in place appropriate controls to eliminate or minimise the risk as far as reasonably practicable.
- 3) **Considers** the options available for conducting Council, Committee, and workshop/briefing meetings and decides whether to choose Option 1, 2, 3, or an alternative not discussed in the paper.
- 4) **Considers** whether to continue with meetings outside of Dunedin as per the resolution of the Governance, Communications and Engagement Committee resolution on 10 November 2021.

### **BACKGROUND**

- [9] Under the Health and Safety at Work Act 2015 (HSWA), Persons conducting a business or undertaking (PCBU)s must identify whether there is a risk to the health of their workers and other people from exposure to COVID-19 at the workplace.
- [10] Under the Act, workers and any other persons (“any other persons” includes elected members) at a workplace also have responsibilities to ensure their acts or omissions do not affect the health and safety of anyone else, and that they comply with reasonable instructions from the PCBU to allow the PCBU to comply with HSWA.
- [11] Where a risk of injury or illness is identified, PCBUs must eliminate the risk, so far as is reasonably practicable. When elimination is not possible, PCBUs must minimise the risk so far as reasonably practicable.
- [12] For ORC, the Chief Executive is the primary Officer of the PCBU. In February 2020, the Chief Executive established an internal Continuity Management Team to provide advice to the Executive Leadership Team on planning for the ORC's pandemic response. This group led the planning for ORC's response to the Alert Level shifts and lockdowns in 2020 and 2021, and late last year began planning for the shift to the CPF. Councillors were sent an email on 2 December 2021, with the proposed CPF settings and vaccination settings for Council meetings and at that time the Chief Executive offered to discuss the proposed settings further. Limited feedback was provided.

- [13] Consistent with the WorkSafe New Zealand hierarchy of controls, ORCs Red operational plan is in place to eliminate the risk to workers and others accessing ORC sites from being exposed to COVID-19, and where elimination is not possible, sets down controls to minimise the risk as far as is reasonably practicable. Risk controls are also in place to provide for business continuity so that we can continue to deliver our essential services. Official advice is at the peak of an Omicron community outbreak, we could expect 25-35 percent of our workforce to be unable to come to the office.
- [14] Key elements of ORC's CPF operational plan under red are: Minimising movement of ORC staff between office sites, ORC owned/controlled sites to have no more than 50 percent of usual occupancy (which is currently being achieved through business continuity planning and in many cases splitting teams) , a vaccination policy (at the time of writing, this is out for consultation and due to be finalised on 8 February 2022), use of masks and distancing for our field staff when interacting with others, minimising travel outside of our home bases, and moving to online community consultation. It has the following foundation principles:
- a. Staff safety and wellbeing is paramount.
  - b. A highly vaccinated workforce will be one of our best controls.
  - c. Good hygiene, scanning in and staying home if you are sick will also be important controls.
  - d. ORC will make best efforts to take account of individual comfort levels, balanced with necessary business continuity, across all levels of the CPF and particularly during the transition phases.
  - e. Government policy and regional health response will inform and guide our response.
  - f. Council will continue to deliver services to our communities safely through business continuity planning.
  - g. Flexible work will enable us to continue to deliver.
- [15] ORC's settings reflect central government guidance, which currently says that if appropriate, you can work from home. A number of our staff are doing this to keep both themselves, and vulnerable family members safe, and to support ORC's CPF operational plan. ORC is also following sector specific guidance that has been provided by the Department of Internal Affairs led Local Government Response Unit.
- [16] While we haven't had any disruptions to date, others in the sector have. Environment Southland closed its offices entirely on 28 January 2022, due to a visit by a close contact of a COVID-19 case. Horizons Regional Council also have its Regulatory team working from home, and close contacts isolating after a staff member tested positive for COVID-19. Horizons have taken additional precautionary steps of postponing any external meetings within the wider district and have introduced compulsory mask wearing in all of its offices.

## **DISCUSSION**

- [17] As advised to Councillors via email on 2 December 2021, the proposed settings for Council, Committee and workshop/briefing governance meetings was for these to be held online (as per the reasoning in the options analysis below).
- [18] This is in keeping with some of our neighbours currently, including the Dunedin City Council, Queenstown Lakes District Council, Central Otago District Council and

Environment Canterbury. Others are continuing to have Council meetings in person (while moving Committee, Local Board and workshops online) with vaccine passes and mask wearing during the meeting including when speaking.

- [19] When approving the council schedule of meetings for 2022, Council passed a resolution that included “...two of the meetings on the schedule be outside Dunedin and combined with appropriate community site visits in 2022”. Staff had been planning for the March 2022 meeting of the Implementation Committee to be held in Cromwell. Under the ORC CPF operational plan, all meetings would be held online. Meetings outside of Dunedin should be factored into governance decision making when considering today’s paper.

## OPTIONS

- [20] **Option 1:** Conduct Council, Committee, and workshop/briefing meetings remotely online while in red. Councillors with unstable internet connections could travel to an ORC office and use individual meeting rooms to connect to the zoom.

### *Advantages*

- Consistent with ORC’s CPF operational plan.
- Recognises the uncertainty we are currently facing about the rate of infections in Otago/Southland at the time of Council’s meetings cycles (9/10 February, 23/24 February, 9/10 March, 23/24 March 2022).
- Provides for business continuity for elected members and staff.
- Chairing an all zoom meeting can be easier to manage than half in the chamber, and half on zoom.
- Risk to staff and elected members of an exposure event while attending the meeting is all but eliminated.
- Consistent with the approach being taken by neighbouring councils.

### *Disadvantages*

- Elected members living in areas with unstable internet connections or limited 4G connections via ORC iPad can have difficulty connecting.
- Not the preference of some elected members.
- Does not enable the same informal interactions in the margins – though with training in the use of zoom break out rooms, this could potentially be achieved.

- [21] **Option 2:** Conduct Council, Committee, and workshop/briefing meetings using the Chamber, which means up to six Councillors could attend in person, and the remaining five could attend online (to meet the 50 percent rule of ORC sites). Staff attendance would be limited to the same maximum of 50 percent in person. Vaccination passes may be required for those in the Chamber, subject to the outcome of the ORC Vaccination Policy, once finalised (on 8 February 2022). Masks would be required those attending in person for the duration of the meeting, including speaking, to provide additional protection for meeting attendees and ORC support staff. Meetings would not be open to members of the public, who could instead attend via livestream (as per ORC’s orange settings).

### *Advantages*

- Consistent with the ORC CPF operational plan.
- Enables some Councillors to meet in person.

*Disadvantages*

- Chairing meetings that are half on zoom and half in the room can be challenging.
- Chamber technology upgrade did not happen prior to the end of the year, due to COVID-19 related delays. It is currently due to be upgraded around mid-February. This may lead to short-term issues with using the Chamber.
- If the likely grouping of Councillors attending in person was Dunedin based, there is a risk that all Dunedin Councillors could be exposed to COVID-19 at the same time leaving representation issues for Dunedin and potential quorum issues given the majority would be in the chamber at a quorum of six is still required with 11 Councillors (Local Government Act, Schedule 7, Section 23 (3))(a)).

- [22] **Option 3:** As suggested by Councillors, a non-ORC venue could be used to host the meeting. CPF Red requirements would be set-out by the venue selected and would likely include room capacity, vaccination passes being required and mask wearing arriving and departing/moving about. Note, because the meeting is ORC controlled, there are still overlapping duties under the Health and Safety at Work Act.

*Advantages*

- The selected venue would advise the COVID-19 requirements to meet and support these being put in place.

*Disadvantages*

- Unbudgeted expenditure.
- Depending on the venue selected, may need to hire in the technology to support audio/livestreaming.
- Staff participation would need to be considered against the COVID-19 settings in place, and the ORC's CPF plan.

- [23] **Meetings outside of Dunedin:** The proposed meetings outside of Dunedin while we are in the Red setting, are inconsistent with ORC advice about minimising travel. Depending on the state of COVID-19 in the community at the time, groups may not be keen to meet with Councillors (which was also a key purpose of the meetings outside of Dunedin) and there is a heightened risk of Councillors/staff being exposed to the virus, and then having to isolate. Staff would recommend meetings remain online.

**CONSIDERATIONS****Strategic Framework and Policy Considerations**

- [24] Not applicable.

**Financial Considerations**

- [25] Using an external venue to hold meetings would involve unbudgeted expenditure.

**Significance and Engagement Considerations**

- [26] Not applicable.

**Legislative and Risk Considerations**

- [27] Staff recommendations are underpinned by legislative obligations to eliminate and minimise risk to workers and others under the Health and Safety at Work Act.

**Climate Change Considerations**

[28] Not applicable.

**Communications Considerations**

[29] The outcome of this decision with respect to Council, Committee and workshop/briefing meetings will be communicated to the public.

**NEXT STEPS**

[30] To organise the meetings on the 2022 schedule, in line with the decisions made today.

**ATTACHMENTS**

Nil



**That** the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987) namely:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1.1 Clutha-Mata Au River Dumping Inquiry	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)	Section 48(1)(a) Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

This resolution is made in reliance on [section 48\(1\)\(a\)](#) 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 or [section 6](#) or [section 7](#) or [section 9](#) of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are shown above.