

**Community Board Members**  
PAEKĀKĀRIKI COMMUNITY BOARD

27 JANUARY 2015

Meeting Status: **Public**

Purpose of Report: For Decision

## **ELECTION OF CHAIR OF PAKĀKĀRIKI COMMUNITY BOARD**

### **PURPOSE OF REPORT**

- 1 This report sets out the process for electing the Chair of the Paekākāriki Community Board in the event that there is more than one nomination for the position, under the provisions of the Local Government Act 2002.

#### Delegation

- 2 The Community Board has the delegation to consider this matter under Section 54(2) of the Local Government Act 2002.

### **BACKGROUND**

- 3 On 20 January 2015 a letter was received from Mr Jack McDonald in which he tendered his resignation as Chair. This became effective immediately so the Board must now elect a new Chair.
- 4 Section 54(2) and Schedule 7, Clause 25 and 37(1) of the Local Government Act 2002 ('the Act') prescribe the processes for the election of chair of community boards.

### **CONSIDERATIONS**

#### Issues

- 5 Under the provisions of the Local Government Act 2002 a community board must determine by resolution the choice of a voting system when seeking to fill the position of Chair. The two systems are outlined below.
- 6 In electing a Chair and in the event there is more than one nomination for the position, the Community Board agrees to adopt the procedures as set out in Section 54(2) and Schedule 7, Clauses 25 and 37 of the Local Government Act.

**System A** – where the person to be elected or appointed receives the votes of a majority of members present and voting, and:

- There is a first round of voting for all candidates;
- If no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded;
- If no candidate is successful in the second round there is a third and if necessary subsequent round of voting from which

each time the candidate with the fewest votes in the previous round is excluded;

- In any round of voting if two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

**System B** – which requires that a person is elected or appointed if she or he receives more votes than any other candidate and

- There is only one round of voting;
- If two or more candidates tie for the most votes, the tie is resolved by lot.

When an equality of votes needs to be resolved by lot the names of the candidates receiving an equal number of votes shall be placed in a container and the name of the person drawn out by an independent person shall be deemed to be elected.

## Financial Considerations

7 There are no financial considerations.

## Legal Considerations

8 There are no additional legal considerations.

## Policy Implications

9 There are no policy considerations.

## Tāngata Whenua Considerations

10 There are no tāngata whenua considerations.

## **SIGNIFICANCE AND ENGAGEMENT**

11 This matter is not significant under the Council's Significance and Engagement Policy.

## Consultation

12 There are no consultation considerations.

## Publicity Considerations

13 There will be public interest in the decision and a media release will be prepared.

## RECOMMENDATIONS

- 14 That the Paekākāriki Community Board adopts System A or System B as outlined in Schedule 7, Clause 25 of the Local Government Act 2002 for the election of the Community Board's Chair for the rest of the 2013-2016 Triennium.

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Appendix 1 Extracts from legislation

Appendix 1

**Extracts from Local Government Act 2002**

*Clause 54 Application of other provisions to community boards*

- (1) Part 2 of Schedule 7 applies to community boards.
- (2) Part 1 of Schedule 7 (excluding clauses 15 and 33 to 36) applies to community boards, with all necessary modifications, as if they were local authorities.

**Schedule 7, Part 2**

*Clause 37 Chairpersons of community boards*

- (1) A community board must have a chairperson
- (2) Clause 25 applies to the election of chairpersons of community boards.

*Clause 25 Voting systems for certain appointments*

- (1) This clause applies to—
  - (a) the election or appointment of the chairperson and deputy chairperson of a regional council; and
  - (b) the election or appointment of the deputy mayor; and
  - (c) the election or appointment of the chairperson and deputy chairperson of a committee; and
  - (d) the election or appointment of a representative of a local authority.
- (2) If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:
  - (a) the voting system in subclause (3) (**system A**);
  - (b) the voting system in subclause (4) (**system B**).
- (3) System A—
  - (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
  - (b) has the following characteristics:
    - (i) there is a first round of voting for all candidates; and
    - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
    - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
    - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

(4) System B—

(a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and

(b) has the following characteristics:

- (i) there is only 1 round of voting; and
- (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.