

AMENDED CLAUSES – NZS9202:2003 MODEL STANDING ORDERS FOR MEETINGS OF LOCAL AUTHORITIES AND COMMUNITY BOARDS

2.2 FIRST MEETING OF THE LOCAL AUTHORITY FOLLOWING ELECTION

Meeting called by chief executive

2.2.1

“The first meeting of a local authority following a triennial general election of members must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give the persons elected to the local authority not less than 7 days’ notice of the meeting. [However] if an emergency exists, the chief executive may give notice of the meeting as soon as practicable. The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the mayor or chairperson has made and attested the declaration required under clause 14 [of Schedule 7 of the Local Government Act].”

[cl. 21(1) – (4), Schedule 7, LGA]

Business to be conducted

2.2.2

“The business that must be conducted at the meeting must include –

- (a) the making and attesting of the declarations required of the mayor (if any) and members under clause 14 [of Schedule 7 of the Local Government Act]; and
- (b) the election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under clause 14 [of Schedule 7 of the Local Government Act]; and
- (c) a general explanation, given or arranged by the chief executive, of –
 - (i) the Local Government Official Information and Meetings Act 1987; and
 - (ii) other laws affecting members, including - the appropriate provisions of the Local Authorities (Members’ Interests) Act 1968; and sections 99, 105 and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Securities Act 1978; and
- (d) the fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings;

and

- (e) [new] The appointment of the deputy mayor by the mayor under section 41A(3)(a) of the Local Government Act 2002 OR if the mayor declines to exercise this power, the election of the deputy mayor or deputy chairperson in accordance with clause 17 [of Schedule 7 of the Local Government Act].

[new] To avoid doubt clause 17(1) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power to appoint (section 41A(7)). Note that nothing limits or prevents a territorial authority from removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under section 41A(3)(a). Refer to standing order 2.6.3.

- (e) ~~the election of the deputy mayor or deputy chairperson in accordance with clause 17 [of Schedule 7 of the Local Government Act].”~~

[cl. 21(5), Schedule 7, LGA]

2.4 QUORUM AT MEETINGS

[...]

Definiton of quorum for local authority or joint committee meetings

2.43.

“The quorum at a meeting of –

- (a) a local authority or joint committee consists of –
- (i) half of the members if the number of members (including vacancies) is even; or
 - (ii) a majority of members if the number of members (including vacancies) is odd.”

[cl. 23(3), cl.30(9), Schedule 7, LGA]

Definition of quorum for committee meetings

2.4.4.

“The quorum at a meeting of –

[...(b) a committee –

- (i) ~~is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee);~~
(replace with) consists of a majority of members if the number of members (including vacancies) is odd.”

2.5 VOTING AT MEETINGS

Acts and decisions of the local authority by majority vote at meetings

2.5.1

- (1) "The acts of a local authority must be done, and the questions before the local authority must be decided, at a meeting by:
- a) vote; and
 - b) the majority of members that are present and voting."

Casting vote

- (2) "For the purposes of [2.5.1(1)], the mayor or chairperson or other person presiding at the meeting:
- a) Has a deliberative vote; and
 - b) In the case of an equality of votes, the chairperson has a casting vote does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved)."

NOTE – This is based on the legislative default position of there being no casting vote. Where a local authority wishes to have a casting vote it should refer to Appendix H for alternative wording for this section. When adopting, amending or suspending Standing Orders to provide for a casting vote clause 27, schedule 7 of the Local Government Act 2002 applies.

Open voting

- (3) "An act or question coming before the local authority must be done or decided by open voting."

Mandatory requirements (1) and (2) apply unless the Local Government Act 2002 provides otherwise.

[cl. 24, Schedule 7, LGA]

[new 2.6] Mayor responsible for appointing the deputy mayor, power to remove deputy mayor and voting systems for certain appointments including the deputy mayor, committee chairperson and deputy chairpersons of committees

Mayor to appoint deputy mayor

2.6.1

[new] The mayor has the power to appoint the deputy mayor.

Mayor declines to exercise powers in 2.6.1

2.6.2

[new] The mayor may decline to appoint the deputy mayor. In that case the procedure to appoint a deputy mayor shall follow the procedure contained in standing order 2.6.4.

Power to remove deputy mayor

2.6.3

[new] (1) At a meeting that is in accordance with clause 18 of Schedule 7 of the Local Government Act 2002, a territorial authority may remove its deputy mayor from office.

(2) If a deputy mayor is removed from office at that meeting, the territorial authority may elect a new deputy mayor at that meeting.

(3) A meeting to remove a deputy mayor may be called by –

(a) a resolution of the territorial authority; or

(b) a requisition in writing signed by the majority of the total membership of the territorial authority (excluding vacancies)

(4) A resolution or requisition must –

(a) Specify the day, time and place at which the meeting is to be held and the business to be considered at that meeting; and

(b) indicate whether or not, if the deputy mayor is removed from office, a new deputy mayor is to be elected at the meeting if a majority of the total membership of the territorial authority (excluding vacancies) so resolves.

(5) A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.

(6) The Chief Executive must give each member notice in writing of the day, time, place and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.

(7) A resolution removing a deputy mayor carries if a majority of the total membership of the territorial authority (excluding vacancies) votes in favor of the resolution.

[cl 18, schedule 7, LGA]

Voting systems for certain appointments including deputy mayor, chairpersons of committees and deputy chairpersons of a committee

2.6.4

[new lead-in]: Where the Mayor declines to appoint a deputy mayor or committee chairpersons, or where the territorial authority exercises the powers under standing order 2.6.3 to remove the deputy mayor or standing order 2.9.3 for discharging a chairperson appointed by the mayor, and for the election or appointment of a deputy chairperson of a committee a local authority or a committee (if the local

authority has so directed) must determine by resolution that a person be elected or appointed using the one of the following systems of voting:

- (a) [System A]; or
- (b) [System B].

2.6 VOTING SYSTEMS FOR CERTAIN APPOINTMENTS

~~Provisions for election~~ ~~2.6.1~~

~~or appointment of~~ ~~“[This Standing Order applies to]—~~

~~deputy mayor,~~

~~chairpersons and~~ ~~(a) the election or appointment of the chairperson and deputy~~

~~deputy chairpersons~~ ~~chairperson of a regional council; and~~

~~of local authorities and~~

~~committees, and~~ ~~(b) the election or appointment of the deputy mayor; and~~

~~representatives of the~~

~~local authority~~ ~~(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.~~

~~If this [Standing Order] 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) [System A]; or~~

~~(b) [System B].~~

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.

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.”

[cl. 25, Schedule 7, LGA]

Mayor responsible for establishing committees and local authority able to discharge or reconstitute or add to committees established by the Mayor

Appointment of committees by Mayor

2.7.1

[new] The Mayor has the power under section 41A(3)(b) of the Local Government Act 2002 to establish committees of the territorial authority.

Ability of local authority to discharge or reconstitute or add committees established by the Mayor

2.7.2

[new] Nothing limits or prevents a territorial authority from discharging or reconstituting in accordance with Clause 30 of Schedule 7 of the Local Government Act 2002. Refer to standing orders 2.7.4 and 2.7.5.

Mayor declines to exercise powers in 2.7.1

2.7.3

[new] The Mayor may decline to establish committees. In that case the procedure to establish committees shall follow the procedure contained in standing order 2.7.4.

[section 41A(7)]

2.7.4 APPOINTMENT OF COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES

Appointment of committees, subcommittees and other decision-making bodies

2.7.4

“A local authority may appoint the committees, subcommittees, and other other subordinate decision-making bodies that it considers appropriate, and a committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.”

[cl. 30(1) & (2), Schedule 7, LGA]

Discharge or reconstitution of committees, subcommittees and other subordinate decision-making bodies

2.7.5

“Unless expressly provided otherwise in an Act, –

(a) a local authority may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body; and

(b) a committee may discharge or reconstitute a subcommittee.

A committee, subcommittee or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.”

[cl. 30(5) & (7), Schedule 7, LGA]

Committees and subordinate decision-making bodies subject to direction of local authority

2.7.6

“A committee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body. A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs... Nothing in this [standing order] entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of a decision by a committee, a subcommittee, or another subordinate decision-making body.”

[cl. 30(3), (4) & (6), Schedule 7, LGA]

[...]

2.9 MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES

Mayor appointment of Committee chairperson

2.9.1

[new] The mayor has the power to appoint the chairperson of each committee he/she has established and may make the appointment before the other members of the committee are determined and may appoint himself.

Mayor can decline to appoint Committee Chairperson

2.9.2

[new] The mayor may decline to appoint chairpersons to committees. In that case the procedure to appoint a committee chairperson shall follow the procedure contained in standing order 2.6.4.

Power to remove a Committee Chairperson appointed by the mayor

2.9.3

[new] Nothing limits or prevents a territorial authority from discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor. Discharging of a committee chairperson shall follow the procedure contained in standing order 2.6.4.

[section 41A(4)(d)]

Appointment or discharge of committee members and subcommittee members

2.9.4

“A local authority may appoint or discharge any member of a committee. Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee.”

[cl. 31(1) & (2), Schedule 7, LGA]

Elected members on committees and subcommittees

2.9.5

“The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee... at least 1 member of a committee must be an elected member of the local authority; and an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.”

[cl. 31(3) & (4), Schedule 7, LGA]

Local authority may replace members if committee not discharged

2.9.6

“If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30 (7) [of Schedule 7 of the Local Government Act], the local authority may replace the members of that committee, subcommittee or other subordinate decision-making body after the next triennial general election of

members.”

[cl. 31(5), Schedule 7, LGA]

Minimum numbers on committees and subcommittees

2.9.7

“The minimum number of members is 3 for a committee, and is 2 for a subcommittee.”

[cl. 31(6), Schedule 7, LGA]

Mayor is a member of each committee

2.9.8

[new] The mayor is a member of each committee of a territorial authority other than a community board or a quasi-judicial committee.

[section 41A(5)]

Mayor or chairperson of local authority an ex-officio member

2.9.5

~~The mayor or chairperson of the local authority may be appointed an ex-officio member of any committee other than a community board or a quasi-judicial committee.~~

2.10 POWERS OF DELEGATION

Delegations committees, subcommittees, subordinate decision-making bodies, community boards, members and officers

2.10.1

(1) “Unless expressly provided otherwise in [the Local Government subcommittees, Act 2002], or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority’s business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its members and officers responsibilities, duties, or powers except –

- (a) the power to make a rate; or
- (b) the power to make a bylaw; or
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term ~~council community~~ plan; or
- (d) the power to adopt a long-term ~~council community~~ plan, annual plan, or annual report; or

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- (e) the power to appoint a chief executive; or
- (f) the power to adopt policies required to be adopted and consulted on under [the Local Government Act 2002] in association with the long-term ~~council~~ ~~community~~ plan or developed for the purpose of the local governance statement
- (g) repealed
- (h) the power to adopt a remuneration and employment policy.

- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1) above.
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.”

[cl. 32(1), (2) & (3), Schedule 7, LGA]