

Community Board Members
WAIKANAE COMMUNITY BOARD

16 JUNE 2015

Meeting Status: **Public**

Purpose of Report: For Decision

ELECTION OF CHAIR OF WAIKANAE COMMUNITY BOARD

PURPOSE OF REPORT

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

DELEGATION

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

BACKGROUND

- 3 When Waikanae Ward Councillor Tony Lloyd passed away in November 2014 this created an extraordinary vacancy which had to be filled through a by-election. Accordingly this by-election was held on 17 February 2015 and the then Chair of the Community Board Michael Scott was the successful candidate. However, his election as the new Ward Councillor created another extraordinary vacancy, this time on the Community Board and another by-election was held on 27 May 2015 to fill it. In the interim the Deputy Chair Eric Gregory acted as Board Chair.
- 4 Jill Lloyd was the successful candidate and will be sworn into office at this June meeting. This means that the Community Board now has a full complement of members and the role of Chair can now be filled for the remainder of the Triennium. This report describes the process for doing so.
- 5 Section 54(2) and Schedule 7, Clauses 25 and 37(1) of the Act prescribe the processes for the election of chair of community boards (see Appendix 1).

ISSUES AND OPTIONS

Issues

- 6 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.
- 7 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.

CONSIDERATIONS

Policy considerations

There are no policy considerations.

Legal considerations

8 There are no additional legal considerations.

Financial considerations

9 There are no financial considerations.

Tāngata whenua considerations

10 There are no tāngata whenua considerations.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

11 This matter has a low level of significance under Council policy.

Consultation

12 There are no consultation considerations.

Publicity

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

RECOMMENDATIONS

14 That the Waikanae Community Board adopts:

(a) System A, *or*

(b) 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.

Report prepared by	Approved for submission	Approved for submission
Vyvien Starbuck-Maffey Democracy Services Manager	Sharon Foss Acting Group Manager Community Services	Wayne Maxwell Group Manager Corporate Services

ATTACHMENTS

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.