

Community Board Members
ŌTAKI COMMUNITY BOARD

29 NOVEMBER 2016

Meeting Status: **Public**

Purpose of Report: For Decision

**ELECTING THE CHAIR AND DEPUTY CHAIR OF THE OTAKI
COMMUNITY BOARD 2016-2019 TRIENNIUM**

PURPOSE OF REPORT

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

DELEGATION

- 2 The Ōtaki Community Board has the delegation to consider this matter.

BACKGROUND

- 3 Section 54(2) of the Act says that "*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*". This being so, then clauses 25 and 37(1) apply to the election of Chair and Deputy Chair roles.

ISSUES AND OPTIONS

Issues

- 4 Under the provisions of the Act a community board must determine by resolution that a person be elected or appointed by a system of voting being either System A or System B as outlined below (see Appendix 1).
- 5 Under System A a candidate is successful if he or she receives the votes of the majority of the members of the community board present and voting. If no candidate is successful in the first 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 number of votes in the previous round is excluded until a candidate is successful. In any round of voting if two or more candidates tie for the lowest number of votes the person to be excluded from the next round is resolved by lot.
- 6 System B is first past the post except that a tie for the most votes is resolved by lot.
- 7 In terms of process the Board needs to:
 1. Resolve on using either system A or system B to elect the Chair and Deputy Chair; and then

2. Use that system to effect the elections for both roles.

CONSIDERATIONS

Policy considerations

- 8 There are no policy considerations.

Legal considerations

- 9 There are no additional legal considerations.

Financial considerations

- 10 The Chair of a Community Board receives an increase in remuneration.

Tāngata whenua considerations

- 11 There are no tāngata whenua considerations.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 12 As this is a process mandated through legislation the matter has a low level of significance under Council policy.

Engagement planning

- 13 An engagement plan is not needed to implement this decision.

Publicity

- 14 There will be community interest in the Board's decision so a media release will be prepared.

RECOMMENDATIONS

- 15 That the Ōtaki Community Board adopts System A **or** B as outlined in clause 25 of Schedule 7 of the Local Government Act 2002 for the election of the Board's Chair and Deputy Chair for the 2016-2019 Triennium.

| Report prepared by | Approved for submission | Approved for submission |
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ATTACHMENTS

- Appendix 1 Extract from Local Government Act 2002

APPENDIX 1

EXTRACT FROM LEGISLATION, LOCAL GOVERNMENT ACT 2002

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.

Clause 37, Schedule 7

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