

Mayor and Councillors
COUNCIL

29 OCTOBER 2013

Meeting Status: **Public**

Purpose of Report: For Decision

**PROCEDURE FOR THE ELECTION OF THE DEPUTY MAYOR
FOR THE 2013-2016 TRIENNIUM**

PURPOSE OF REPORT

- 1 This report sets out the procedure for the election of the Deputy Mayor in accordance with Schedule 7, clause 17(1) of the Local Government Act 2002.

SIGNIFICANCE OF DECISION

- 2 The Council's Significance Policy is not triggered by this report.

BACKGROUND

- 3 Schedule 7, Clause 17(1) of the Local Government Act 2002 (the Act) requires a local authority to elect one of its members to be its Deputy Mayor, and this must be done at the first meeting of a local authority following an election. Clause 25 of Schedule 7 specifies voting systems for certain appointments, including that of the Deputy Mayor.

CONSIDERATIONS

Issues

- 4 Schedule 7, Clause 17(3)-(5) of the Act prescribes the responsibilities of the Deputy Mayor which are:

“(3) The deputy mayor or deputy chairperson must perform all the responsibilities and duties, and may exercise all of the powers, of the mayor or chairperson –

(a) with the consent of the mayor or chairperson, at any time during the temporary absence of the mayor or chairperson;

(b) without that consent, at any time while the mayor or chairperson is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office:

(c) while there is a vacancy in the office of the mayor or chairperson.

(4) In the absence of proof to the contrary, a deputy mayor or deputy chairperson acting as mayor or chairperson is presumed to have the authority to do so.

(5) A deputy mayor or deputy chairperson continues to hold his or her office as deputy mayor or deputy chairperson, so long as he or she continues to be a member of the territorial authority, until the election of his or her successor.

- 5 Under Schedule 7, Clause 25 of the Act a local authority 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.

Options

- 6 In the event that there is more than one nomination for the position of Deputy Mayor the Council must approve a system of voting for selecting the successful candidate:

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

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.

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

There is only 1 round of voting

If two or more candidates tie for the most votes, the tie is resolved by lot.

[Local Government Act, Schedule 7, Clause 25(3) and (4)]

- 7 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.
- 8 If there is only one nomination Council will move to vote.

Financial Considerations

- 9 There are no financial considerations.

Legal Considerations

- 10 This report meets the provisions of the Local Government Act 2002 (Clauses 17(1), 21, and 25 of Schedule 7). It is a legal requirement to elect a deputy mayor at the first meeting of the new Council).

Delegation

- 11 The Local Government Act 2002 was amended in 2012 to provide mayors with the power under Section 41A to appoint the Deputy Mayor.

Consultation and Policy Implications

12 There are no consultation or policy implications.

Tāngata Whenua Considerations

13 There are no tāngata whenua considerations.

Publicity Considerations

14 A media release will be prepared on this decision.

RECOMMENDATIONS

15 That if there is more than one nomination for the position of Deputy Mayor the Council adopt System A or B as outlined in Schedule 7, clause 25 of the Local Government Act for the election of the Deputy Mayor for the 2010-2013 Triennium.

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