

Christchurch City Council
AGENDA OF INAUGURAL MEETING

Notice of Meeting:

An inaugural meeting of the Christchurch City Council will be held on:

Date: Thursday 20 October 2016
Time: 4pm
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Membership

| | |
|-------------|----------------------------|
| Chairperson | Mayor Elect Lianne Dalziel |
| Members | Vicki Buck |
| | Jimmy Chen |
| | Phil Clearwater |
| | Pauline Cotter |
| | Mike Davidson |
| | David East |
| | Anne Galloway |
| | Jamie Gough |
| | Yani Johanson |
| | Aaron Keown |
| | Glenn Livingstone |
| | Raf Manji |
| | Tim Scandrett |
| | Deon Swiggs |
| | Sara Templeton |
| | Andrew Turner |

17 October 2016

Principal Advisor
Dr Karleen Edwards
Chief Executive
Tel: 941 8554

Jo Daly
Council Secretary
941 8581
Jo.Daly@ccc.govt.nz
www.ccc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.
If you require further information relating to any reports, please contact the person named on the report.

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Mihi Whakatau

1. Welcome and Introduction

2. Declaration by the Mayor

3. Installation of the Mayor

4. Declarations by Councillors

Sample declaration by Councillor attached (**Attachment 1**).

sample



DECLARATION BY COUNCILLOR

I, _____, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the City of Christchurch, the powers, authorities, and duties vested in or imposed upon me as a member of the Christchurch City Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

DATED at Christchurch this 20th day of October 2016.

.....

Signed in the presence of:

.....
Lianne Audrey Dalziel
MAYOR

.....
Karleen Michelle Edwards
CHIEF EXECUTIVE

5. Report of the Electoral Officer - Triennial Elections - 8 October 2016

Reference: 16/1206391

Contact: Jo Daly

jo.daly@ccc.govt.nz

941 8581

1. Purpose of Report

- 1.1 This report is to report the outcome of the 2016 Triennial Local Government Elections for Christchurch City Council.

2. Staff Recommendations

That the Council:

1. [Receive the information in the report.](#)

3. Successful Candidates

- 3.1 The following candidates were declared elected at the Christchurch City Council 2016 Triennial Elections.

MAYOR DALZIEL, Lianne (Best for Christchurch)

COUNCILLORS

Banks Peninsula Ward TURNER, Andrew (The People's Choice)

Burwood Ward LIVINGSTONE, Glenn (The People's Choice – Labour)

Central Ward SWIGGS, Deon (Independent - Let's Get It Done)

Cashmere Ward SCANDRETT, Tim (Independent)

Coastal Ward EAST, David (Independent)

Fendalton Ward GOUGH, Jamie (Independent Citizens)

Halswell Ward GALLOWAY, Anne (The People's Choice)

Harewood Ward KEOWN, Aaron (True Independent)

Heathcote Ward TEMPLETON, Sara (Strong Communities for a Stronger Christchurch)

Hornby Ward CHEN, Jimmy (The People's Choice – Labour)

Innes Ward COTTER, Pauline (The People's Choice)

Linwood Ward JOHANSON, Yani (The People's Choice – Labour)

Papanui Ward DAVIDSON, Mike (The Right Choice for Papanui & Christchurch)

Riccarton Ward BUCK, Vicki

Spreydon Ward CLEARWATER, Phil (The People's Choice – Labour)

Waimairi Ward MANJI, Raf (Independent)

COMMUNITY BOARDS

Banks Peninsula Community Board

Akaroa subdivision of the Banks Peninsula Community Board

- RICHARDSON, Pam
- HALEY, Janis

Lyttelton Subdivision of the Banks Peninsula Community Board

- O'DONOGUE, Jed
- WILSON, Christine (Independent)

Mount Herbert subdivision of the Banks Peninsula Community Board

- DAWSON, Felix (Independent)
- MCLISTER, John

Wairewa subdivision of the Banks Peninsula Community Board

- PEDEN, Tori

Coastal-Burwood Community Board

Burwood Ward of the Coastal-Burwood Community Board

- SINTES, Tim (Independent)
- MONEY, Kim (Independent)

Coastal Ward of the Coastal-Burwood Community Board

- BAKER, Tim (The People's Choice)
- STEWART, Linda (Independent)

Fendalton-Waimairi-Harewood Community Board

Fendalton Ward of the Fendalton-Waimairi-Harewood Community Board

- WILLIAMS, Bridget (Independent Citizens)
- CARTWRIGHT, David John (Independent Citizens)

Harewood Ward of the Fendalton-Waimairi-Harewood Community Board

- CHEN, Linda (Independent Citizens)
- CAMPBELL, Aaron (Independent)

Waimairi Ward of the Fendalton-Waimairi-Harewood Community Board

- MACDONALD, Sam (Independent Citizens)
- PARANJAPE, Shirish (Independent Citizens)

Halswell-Hornby-Riccarton Community Board

Halswell Ward of the Halswell-Hornby-Riccarton Community Board

- MORA, Debbie (The People's Choice)
- MCFARLANE, Ross (Our Community My Priority)

Hornby Ward of the Halswell-Hornby-Riccarton Community Board

- MORA, Mike (The People's Choice – Labour)
- BRYDEN, Natalie (The People's Choice – Labour)

Riccarton Ward of the Halswell-Hornby-Riccarton Community Board

- BROUGHTON, Helen (Independent Citizens)
- CHU, Catherine (Independent Citizens)

Linwood-Central-Heathcote Community Board

Central Ward of the Linwood-Central-Heathcote Community Board

- DAVIDS, Alexandra (Time for Change)
- LOWE-JOHNSON, Brenda (The People's Choice – Labour)

Linwood Ward of the Linwood-Central-Heathcote Community Board

- BUCK, Sally (Independent)
- MCLELLAN, Jake (The People's Choice – Labour)

Heathcote Ward of the Linwood-Central-Heathcote Community Board

- LINDLEY, Tim (For Communities You'll Love To Live In)
- LATHAM, Darrell (Independent)

Papanui-Innes Community Board

Innes Ward of the Papanui-Innes Community Board

- BYRNE, Jo (Independent)
- JONES, Ali (Independent)

Papanui Ward of the Papanui-Innes Community Board

- NORRISH, Emma (Independent)
- STRINGER, John (Papanui First)

Spreydon-Cashmere Community Board

Cashmere Ward of the Spreydon-Cashmere Community Board

- MAUTNER, Helene (The People's Choice – Labour)
- SAMPSON, Lee (The People's Choice)

Spreydon Ward of the Spreydon-Cashmere Community Board

- COKER, Melanie (The People's Choice – Labour)
- POTTER, Karolin (The People's Choice)

4. Candidates

4.1 There were 116 candidates for the 54 positions.

4.2 The following issues did not require an election as the number of nominations received was not more than the available vacancies:

- Banks Peninsula Ward
- Cashmere Ward

- Fendalton Ward
- Riccarton Ward
- Innes Ward of the Papanui-Innes Community Board
- Lyttelton Subdivision of the Banks Peninsula Community Board
- Mount Herbert subdivision of the Banks Peninsula Community Board
- Wairewa subdivision of the Banks Peninsula Community Board

The candidates for these issues were declared elected by Public Notice issued on 18 August 2016.

5. Electoral Rolls

Residential Electors

5.1 The Electoral Commission provides the residential electoral rolls used for local authority elections from the information contained in the parliamentary electoral rolls. The Electoral Commission undertook an enrolment/re-enrolment campaign from June to 12 August 2016, which was supported by Council. Information from the local Registrar of Electors advised that the Christchurch Office received more new enrolments than any office in New Zealand.

5.2 As at 12 August, the date the electoral roll closed, the number of residential electors in Christchurch city was 241,019. The number of residential electors by ward is below:

| | |
|----------------------------|---------|
| Banks Peninsula Ward | 6,781 |
| Burwood Ward | 16,796 |
| Cashmere Ward | 15,572 |
| Central Ward | 12,989 |
| Coastal Ward | 15,310 |
| Fendalton Ward | 16,656 |
| Halswell Ward | 16,710 |
| Harewood Ward | 15,690 |
| Heathcote Ward | 17,529 |
| Hornby Ward | 14,845 |
| Innes Ward | 14,837 |
| Linwood Ward | 15,907 |
| Papanui Ward | 16,218 |
| Riccarton Ward | 16,572 |
| Spreydon Ward | 15,389 |
| Waimairi Ward | 16,218 |
| Total residential electors | 241,019 |

5.3 The 2016 enrolments are a slight reduction from the 241,342 electors on the residential electoral roll at the time of the 2013 triennial elections.

- 5.4 The Local Government Commission determination of the representation arrangements to apply for the election of the Christchurch City Council to be held on 8 October 2016 ([Local Government Commission Representation arrangements for Christchurch City Council](#)) implemented significant changes to representation in the city. The previous structure of seven wards and eight community boards was changed to 16 wards and seven community boards. The total number of elected members was unchanged at 54, however the representation was increased from 13 councillors to 16 councillors and reduced from 40 to 37 community board members.
- 5.5 Banks Peninsula is the only ward boundary unchanged from those used in 2013. The number of residential elector enrolments in the ward in 2016 is 6,781, an increase of 252 from the 2013 enrolments of 6,529.

Ratepayer Electors

- 5.6 Persons and organisations on the electoral roll in one area and paying rates on a property in another area may be eligible for enrolment on the non-resident ratepayer roll.
- 5.7 Those registered on the electoral roll in this category must make an application for enrolment. If they are on the ratepayer roll they are automatically sent voting documents. For this election there were 407 persons enrolled on the non-resident ratepayer electoral roll.
- 5.8 An insert was sent with rates demands in March/April 2016 providing information about the ratepayer roll and how to apply. All those on the ratepayer roll were sent a letter to respond to remain on the roll.

6. Roll Scrutiny, Progress, Preliminary and Official Counts

- 6.1 An independent election service provider, electionz.com, was engaged to undertake a number of roles and processes in support of the Christchurch City Council 2016 election as with previous elections. These included the position of Deputy Electoral Officer and the following processes:

Roll Scrutiny

- 6.1.1 This process registering electors' names against the roll as voting documents were returned to ensure that no elector votes more than once, acknowledging that this could still happen if an ordinary voter also cast a special vote. The roll scrutiny is undertaken electronically by reading the bar code on each returned voting document. This was undertaken in advance of voting information being recorded.

Progress, Preliminary and Official Counts

- 6.1.2 Following the roll scrutiny process, returned voting documents are extracted and voting information is recorded electronically.
- 6.1.3 A progress result, incorporating approximately 98 percent of votes cast, was released at 1.45pm on election day, Saturday 8 October. The preliminary result was released at 9am on Sunday 9 October. The declaration of result of the official count was made on 14 October and the date of publication was 15 October 2016.
- 6.1.4 All candidates successful in the progress and preliminary counts were declared elected as a result of the official count.

7. Voting

- 7.1 The Christchurch City Council 2016 triennial election was as undertaken by postal voting. Voting documents were posted to all electors on the final electoral roll from 16 September 2016.
- 7.2 Voting documents included the election for Christchurch City Council, Environment Canterbury and the Canterbury District Health Board.

Processing of votes

- 7.3 The Local Electoral Act 2001 (LEA) allows for an Electoral Officer to decide to adopt early processing of returned voting documents. This was the decision that was made for the 2016 election and processing of votes was undertaken throughout the voting period.

Special voting

- 7.4 Special voting documents and declarations were issued to 795 persons. Of those completed and returned prior to the close of voting, with 579 allowed and included in the official count. Special voting was available from 16 October to 7 October, Monday to Friday, 9am to 5pm at Civic Offices, Shirley Service Centre, Te Hāpua Halswell Centre and Akaroa Service Centre. On Saturday 8 October special voting was available at Civic offices from 9am to the close of voting at 12noon. Special voting documents were also issued by post at the request of the elector.
- 7.5 The Electoral Commission advised that there were approximately 2,500 persons registered on the unpublished roll in the Christchurch city electorates. Provisions in the Electoral Act 1993 and Local Electoral Act 2001 mean that these electors do not receive an ordinary vote, they instead receive a letter from the Electoral Commission with instruction on how they can request special voting documents. Of the 795 special votes issued, 311 were for people who indicated they are on the unpublished roll.

Informal votes and blank votes

- 7.6 In some instances votes cannot be counted as indicated below:
- 7.6.1 Informal votes - the voter's intention is unclear.
- 7.6.2 Blank votes - the voter has left the issue completely blank.
- 7.7 Records are kept of informal and blank votes. There were 405 informal votes and 13,711 blank votes.
- 7.8 In all cases votes were allowed where the voter's intention was clear, even though the voting document may have been marked in a way which was different to instruction.

Voting Returns

- 7.9 The voter return for the Christchurch City Council election was 38.34%, being 92,488 votes, excluding special votes.
- 7.10 The cumulative totals by ward are detailed below:

| Ward | Percentage | Voters |
|----------------------|------------|--------|
| Banks Peninsula Ward | 45.92% | 3,176 |
| Burwood Ward | 36.25% | 6,090 |
| Cashmere Ward | 45.15% | 7,031 |
| Central Ward | 30.30% | 3,940 |
| Coastal Ward | 39.33% | 6,022 |
| Fendalton Ward | 42.10% | 7,014 |
| Halswell Ward | 42.22% | 7,055 |
| Harewood Ward | 42.37% | 6,649 |
| Heathcote Ward | 42.81% | 7,506 |
| Hornby Ward | 36.15% | 5,368 |
| Innes Ward | 33.94% | 5,036 |

| | | |
|----------------|--------|-------|
| Linwood Ward | 33.07% | 5,262 |
| Papanui Ward | 37.90% | 6,148 |
| Riccarton Ward | 32.49% | 4,411 |
| Spreydon Ward | 35.28% | 5,430 |
| Waimairi Ward | 39.09% | 6,340 |

- 7.11 The voter return figures for other cities throughout New Zealand varied: Auckland 38.25 percent, Hamilton 33.33 percent, Tauranga 38.07 percent, Wellington 45.5 percent and Dunedin 45.17 percent.
- 7.12 The Council's Marketing and Communications plan for the 2016 elections included communication and information sharing through a variety of channels and platforms, commencing from May 2016. This included the in-house development of the Celect app, a New Zealand first for local government enabling easy access to candidate information from. There were over 1,600 downloads of the app.
- 7.13 The Council supported a number national campaigns undertaken throughout the election period including, the Local Government New Zealand programmes Candidate week, held 27 June to 1 July, and the Vote 2016 campaign to increase nationwide voter participation. As mentioned in paragraph 4.1 of this report the Council undertook activity in support of the Electoral Commission enrolment/re-enrolment campaign.
- 7.14 The elections programme for 2016 will be subject to an evaluation process.

Attachments

There are no attachments to this report.

Signatories

| | |
|--------------------|--|
| Author | Jo Daly – Electoral Officer |
| Approved By | Mary Richardson - General Manager Customer and Community |

6. Explanation of Statutory Requirements

Reference: 16/1191431

Contact: Ian Thomson ian.thomson@ccc.govet.nz

941 6469

1. Purpose of Report

- 1.1 This report contains a general explanation of the Local Government Official Information and Meetings Act 1987 and other statutes.
- 1.2 The Local Government Act 2002 requires this to be provided to the first meeting of the Council following a triennial general election of members.

2. Staff Recommendations

[That the Council:](#)

1. [Receives the information in this report.](#)

3. Key Points

Introduction

- 3.1 Clause 9 Schedule 7 of the Local Government Act 2002 requires the Council to include in the business to be conducted at the first meeting of the Council, a general explanation of the Local Government Official Information Act 1987 and other statutes affecting members.
- 3.2 These are:
 - The appropriate provisions of the Local Authorities (Members' Interests) Act 1968;
 - Sections 99, 105, and 105A of the Crimes Act 1961;
 - The Secret Commissions Act 1910; and
 - The Financial Markets Conduct Act 2013.

Local Government Official Information and Meetings Act 1987

- 3.3 The stated purposes of this Act are to:
 - Provide for the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities, in order to:
 - Enable more effective participation by the public in the actions and decisions of local authorities; and
 - To promote the accountability of local authority members and officials.
 - Provide for the proper access by each person to official information relating to that person;
 - Protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.
- 3.4 'Official information' is any information held by a local authority (the Council). This can include hard copies of documents, electronic/digital data and audio and audio visual recordings.
- 3.5 The fundamental principle of availability is that information must be released unless there is good reason under the Act to withhold it and, where good reason exists, the withholding of the information is not outweighed by the public interest in making it available.

- 3.6 Reasons for refusing a request are set out in section 7 of the Act. These include it being necessary to withhold information in order to:
- Protect an individual's privacy;
 - Prevent unreasonable prejudice to the commercial position of a person;
 - Protect information which is subject to an obligation of confidence;
 - Maintain the effective conduct of public affairs through the free and frank expression of opinions between elected members and between elected members and staff;
 - Maintain legal professional privilege;
 - Enable the Council to carry out commercial activities or conduct negotiations without prejudice or disadvantage.
- 3.7 The Council may also refuse a request on a number of administrative grounds, including that the information requested cannot be made available without substantial collation or research, or it will soon be publicly available.
- 3.8 Anyone may make a request for information. Where the information is held by the Council, a decision on the request must be made within 20 working days of it being received. If the Council doesn't hold the information, but believes it knows who does, it has 10 working days in which to transfer the request to another organisation.
- 3.9 The Ombudsman is authorised to investigate and review a decision to refuse a request. The outcome of the investigation may be a recommendation that the Council releases the information requested in which case if the Council refuses, the recommendation will be published in the Gazette along with the Council's reasons for its decision.
- 3.10 The Act requires meetings of the Council, its committees, subcommittees and community boards, to be publicly notified and for agendas and reports to be available to the public at least two working days before every meeting. Anyone may attend meetings, but the Council has the right to exclude the public for the whole or any part of the proceedings. The reasons for doing so are set out in the Act, and are similar to the reasons for withholding information.
- 3.11 Matters not on the agenda may be dealt with as supplementary items if the meeting resolves to do so, and the chairperson explains why the matter was not on the agenda and why it cannot be left for another meeting.
- 3.12 The Act also contains provisions that apply when a meeting is open to the public, including the maintenance of order. If the behaviour of any member of the public is likely to prejudice the orderly conduct of the meeting, the chairperson has the right to require that person to leave.
- 3.13 Finally, the Act provides that written statements contained in agenda items, or made orally at meetings, are protected by privilege unless the statements are proven to be motivated by ill will. This is known as qualified privilege and applies in situations where a person acting in good faith and without any improper motive makes a statement that is defamatory.
- 3.14 The rationale for this is that people who represent local government electors should be able to speak freely on any matter they believe affects the interests of their constituents. However, for privilege to apply there must be a positive belief in the truth of what is said or written and no suggestion of personal spite or ill-will.

Local Authorities (Members' Interests) Act 1968

- 3.15 The main purposes of the Act are to ensure elected members are not affected by personal motives when they participate in Council decisions, and prevent members with an interest in any contract with the Council from using their position to obtain preferential treatment.
- 3.16 There are two specific rules - members may not enter into contracts with the Council worth more than \$25,000 (incl. GST) in a financial year, or participate in matters before the Council in which they have a pecuniary interest, other than an interest in common with the public.
- 3.17 A pecuniary interest is one that involves money. It can sometimes be difficult to decide whether an interest in a particular matter is pecuniary or some other kind of interest. The test currently used by the Auditor-General's office is whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or a loss of money for the member concerned.
- 3.18 The Act refers to indirect pecuniary interests which means that if a member's spouse or partner has a pecuniary interest in a matter before the Council, then the member is deemed to have the same interest. This also applies if the pecuniary interest is through a company in which the member, and/or his or her spouse or partner owns 10% or more of the shares, or is general manager or managing director.
- 3.19 It is important for members to recognise that when a matter reaches the stage where it can reasonably be expected to affect the member's interests, he or she should no longer take part in the decision-making process.
- 3.20 An exemption to this requirement may be granted if, in the opinion of the Auditor-General, application of the rule would impede the transaction of business by the Council, or it would be in the interests of electors for the rule not to apply.
- 3.21 An elected member will be automatically disqualified from office if he or she is "concerned or interested" in contracts with the Council and the total payments made, or to be made, by the Council exceed the financial limit imposed by the Act. The limit relates to the value of payments made for all contracts, it does not apply separately to each contract.
- 3.22 Even if the contract is between the Council and another person, an elected member will still have an interest in it if he or she has a personal connection with that person, or could benefit from the contract. For example where a spouse or partner is personally involved, or the contract is between the Council and a company in which the member and/or his or her spouse or partner own 10% or more of the shares, or is general manager or managing director (an indirect pecuniary interest as referred to earlier).
- 3.23 The Auditor-General's office may grant an exemption to the Act's requirements and approve contracts that would otherwise exceed the \$25,000 limit. Criteria to be considered will include whether the reasons for the Council awarding the contract are justifiable and the process followed is fair and transparent.
- 3.24 The Auditor-General's role also includes providing guidance for elected members and Council staff to assist with any compliance issues in particular situations, and investigating and prosecuting alleged offences against the Act.

Sections 99, 105, and 105A Crimes Act 1961

- 3.25 Part 6 of the Act refers to crimes affecting the administration of law and justice, specifically bribery and corruption. For the purposes of this Part the definition of "official" in s.99 includes any member or employee of a local authority.
- 3.26 S.105(1) provides that every official who corruptly accepts, obtains, agrees, or offers to accept, or attempts to obtain any bribe in respect of any act done or omitted, or to be done or omitted, in his or her official capacity is liable to imprisonment for a term not exceeding 7 years.

- 3.27 S.105(2) provides that everyone who corruptly gives or offers or agrees to give any bribe to any person with intent to influence any official in respect of any act or omission by that official in his or her official capacity is also liable to imprisonment for a term not exceeding 7 years.
- 3.28 S. 105A provides that every official who corruptly uses or discloses any information, acquired by that official in his or her official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or herself or any other person.

Secret Commissions Act 1910

- 3.29 As the name suggests, this Act prohibits secret commissions and is based on the principle that a person in a position of trust should not profit from that office. Every Council officer or member is deemed to be an agent of the Council for the purposes of the Act, which provides that:
- An agent who corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain or solicits any gift or other consideration as an inducement or reward for doing, or not doing, something or showing favour or disfavour to any person in relation to the Council's affairs or business, is guilty of an offence.
 - An agent is guilty of an offence if he or she enters into a contract on behalf of the Council and fails to disclose the existence of any pecuniary interest the agent has in the contract.
 - An offence is committed if an agent provides the Council with a receipt, invoice, or account (or similar document) in relation to the business or affairs of the Council which the agent knows to be materially false or defective, or likely to mislead the Council, and which omits to state the fact of any commission, or other consideration having been received by or promised to the agent.
 - "consideration" means valuable consideration of any kind, and particularly includes discounts, commissions, rebates, bonuses, deductions, percentages, employment, payment of money (whether by way of loan, gift, or otherwise), and forbearance from demanding any money or valuable item.
- 3.30 Any person who commits an offence against the Act is liable to imprisonment for a term not exceeding 7 years.

Financial Markets Conduct Act 2013

- 3.31 The main purposes of this Act are to promote the development of fair, efficient, and transparent financial markets in New Zealand, and the confident and informed participation in them of businesses, investors, and consumers. Financial markets include markets for the provision of financial services, and capital markets.
- 3.32 To the extent the Council may wish at some point to raise capital through the issue of debt or equity securities, compliance with the Act will be relevant to elected members. There will be obligations imposed on them in respect of matters such as the proposed governance arrangements for any securities issued and the information to be disclosed to prospective investors. In this regard, elected members will be treated the same as company directors.
- 3.33 Clearly, professional advice, both internally and externally, will be sourced and provided before the Council considers and makes any decisions. However, elected members should be aware they may be personally liable and at risk of criminal prosecution if the requirements of the Act are not met.

Attachments

There are no attachments to this report.

Signatories

| | |
|--------------------|--|
| Author | Ian Thomson - Senior Legal Advisor, Governance |
| Approved By | Rob Goldsbury - Head of Legal Services Mary Richardson - General Manager Customer and Community |

7. Appointment/Election of the Deputy Mayor

Reference: 16/1206419

Contact: Ian Thomson ian.thomson@ccc.govt.nz

941 6469

1. Purpose of Report

- 1.1 To provide information about the appointment or election of the Deputy Mayor, following the triennial general elections.

2. Staff Recommendations

That the Council:

1. [Receive the information in the report.](#)

3. Key Points

- 3.1 Clause 21(5) schedule 7 of the Local Government Act 2002 sets out the business to be conducted at the first meeting of the Council following the triennial general elections. The Council's first meeting is on 20 October 2016.
- 3.2 One of the items that must be on the agenda is the election of the Deputy Mayor, in accordance with cl. 17(1) of schedule 7, which simply says the Council must elect 1 of its members to be Deputy Mayor in accordance with cl.25 of the schedule.
- 3.3 This provides for the Council to determine by resolution that a person be elected Deputy Mayor by using one of two systems of voting. These are described in Attachment A.
- 3.4 An election will only be necessary if the Mayor has declined to exercise her power to appoint the Deputy Mayor, contained in s.41A(3)(a) of the Act.

Attachments

| No. | Title | Page |
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| A ↓ | System of Voting to Elect a Deputy Mayor | 22 |

Signatories

| | |
|-------------|--|
| Author | Ian Thomson - Senior Legal Advisor, Governance |
| Approved By | Mary Richardson - General Manager Customer and Community |

Election of a Deputy Mayor

1. The Local Government Act 2002 requires the Council, at its first meeting, to elect one of its members to be its Deputy Mayor.
2. The manner in which the Council is to elect its Deputy Mayor is prescribed in Clause 25 of Schedule 7 of the Act. It provides that the Council must determine by resolution that the Deputy Mayor be elected or appointed by using one of the following systems of voting:

“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.”*
3. In simpler terms under System A, a candidate is successful if he or she receives the votes of the majority of the members of the Council 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.
 4. System B is first past the post except that a tie for the most votes is resolved by lot.

PRACTICAL APPLICATION OF CLAUSE 25

5. The Council must first determine, by resolution, which system of voting it will use, that is System A or System B.
6. Nominations for the position of Deputy Mayor are called for.
7. If there is only one candidate then the Council may resolve that that person be elected as the Deputy Mayor.
8. If there is more than one candidate the Council must then put the matter to a vote according to the system it has adopted. The Mayor and Councillors are then asked to vote on each candidate.
9. The following examples may be useful to illustrate two of the systems:

SYSTEM A

Example 1

Four nominations are received and upon the votes being counted the result is:
A (8) B (3) C (2) D (1). In this case A becomes Deputy Mayor.

Example 2

Four nominations are received and upon the votes being counted the result is:
A (6) B (4) C (2) D (2). In this case no candidate is successful so a second round of voting is held for candidates A, B and C. The lowest polling candidate, D, is excluded.

Upon the votes being counted in the second round the result is:
A (7) B (4) C (3). In this case A becomes Deputy Mayor.

Example 3

Five nominations are received. Upon the votes being counted the result is:
A (4) B (4) C (4) D (1) E(1). In this case no candidate is successful so a second round of voting is held for candidates A, B, C and whoever of D or E is not excluded by lot.

Upon the votes being counted in the second round the result is:
A (5) B (4) C (3) E (2) (D having being excluded by lot). In this case A becomes Deputy Mayor.

SYSTEM B

Example 1

Four nominations are received and upon the votes being counted the result is:
A (6) B (5) C (2) D (1). In this case A becomes Deputy Mayor.

Example 2

Four nominations are received and upon the votes being counted the result is:
A (5) B (5) C (3) D(1). In this case a lot is held to determine who between A and B will become Deputy Mayor.

8. Appointment of Councillors to Community Boards

Reference: 16/1204235

Contact: Ian Thomson ian.thomson@ccc.govt.nz

941 6469

1. Purpose of Report

- 1.1 To recommend the appointment of councillors to Community Boards, following the 2016 triennial general election of members.

2. Staff Recommendations

That the Council appoint the following councillors to the Community Boards situated in the Council's district:

1. Andrew Turner (Banks Peninsula);
2. Glenn Livingston (Coastal-Burwood);
3. Tim Scandrett (Spreydon-Cashmere);
4. Deon Swiggs (Linwood-Central-Heathcote);
5. David East (Coastal-Burwood);
6. Jamie Gough (Fendalton-Waimairi-Harewood);
7. Anne Galloway (Halswell-Hornby-Riccarton);
8. Aaron Keown (Fendalton-Waimairi-Harewood);
9. Sara Templeton (Linwood-Central-Heathcote);
10. Jimmy Chen (Halswell-Hornby-Riccarton);
11. Pauline Cotter (Papanui-Innes);
12. Yani Johanson (Linwood-Central-Heathcote);
13. Mike Davidson (Papanui-Innes);
14. Vicki Buck (Halswell-Hornby-Riccarton);
15. Phil Clearwater (Spreydon-Cashmere);
16. Raf Manji (Fendalton-Waimairi-Harewood).

3. Key Points

- 3.1 Community Boards in the Council's district have a mix of elected and appointed members.
- 3.2 Section 19F of the Local Electoral Act 2001 requires each appointee to be a member of, and appointed by, the Council, and to represent a ward in which the community is situated.
- 3.3 These requirements have been met. The Council may therefore make the appointments set out in the staff recommendations.

Attachments

There are no attachments to this report.

Signatories

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| Author | Ian Thomson - Senior Legal Advisor, Governance |
| Approved By | Rob Goldsbury - Head of Legal Services Mary Richardson - General Manager Customer and Community |

9. Date of first Ordinary Meeting of the Council

Reference: 16/1206009

Contact: Jo Daly jo.daly@ccc.govt.nz 941 8581

1. Adoption of Date of First Ordinary Meeting

- 1.1 The Local Government Act 2002, Schedule 7, Clause 21(5)(d) requires that at the first meeting of the local authority following a triennial general election the Council must fix the date and time of the first meeting of the authority, or adopt a schedule of meetings.
- 1.2 A report recommending a schedule of ordinary meetings for the 2016 – 2019 term of the Council will be submitted for adoption at a Council meeting in November 2016.

2. Staff Recommendations

That the Council:

1. Pursuant to clause 21(5)(d) of schedule 7 of the Local Government Act 2002 resolve that that the first ordinary meeting of Council be held on Wednesday 2 November 2016 at 10am.

Attachments

There are no attachments to this report.

Signatories

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|--------------------|--|
| Author | Jo Daly - Council Secretary |
| Approved By | Lester Wolfreys - Head of Community Support, Governance and Partnerships Mary Richardson - General Manager Customer and Community |