

Appointment of Chairperson and Deputy Chairperson

TO Tairua-Pauanui Community Board
FROM Garry Towler - Area Manager Whangamata/Tairua-Pauanui
DATE 12 October 2016
SUBJECT **Appointment of Chairperson and Deputy Chairperson**

1 Purpose of Report

To enable the election of the Chairperson and Deputy Chairperson in accordance with the Local Government Act 2002.

2 Background

The Local Government Act 2002, Schedule 7 clause 21(5)(e) states that, at the first meeting of a local authority following a triennial general election of members, the business that must be conducted at the meeting must include the election of the chairperson in accordance with Schedule 7 clause 37 and deputy chairperson in accordance with Schedule 7 clause 17.

Schedule 7, clause 37 of the Act provides:

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.*

Schedule 7 clause 17 of the Act provides:

17. Election of deputy mayor or deputy chairperson—

- (1) *A territorial authority must elect 1 of its members to be its deputy mayor in accordance with clause 25.*
- (2) *A regional council must elect 1 of its members to be its deputy chairperson in accordance with clause 25.*
- (3) *The deputy mayor or deputy chairperson must perform all the responsibilities and duties, and may exercise all 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 or regional council, until the election of his or her successor.*

Schedule 7 clause 25 of the Local Government Act 2002 requires that for the election or appointment of the chairperson and deputy chairperson, 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:

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 Issue

A Chairperson and Deputy Chairperson must be elected by the members of the Community Board, at the first meeting of the Community Board. The Deputy Chairperson exercises the same roles as other elected members and, if the Chairperson is absent or incapacitated, the Deputy Chairperson must perform all of the responsibilities and duties, and may exercise the powers, of the Chairperson.

In addition to the duties and responsibilities outlined in the Local Government Act 2002 the Community Board Chairperson is expected to attend the Council meetings and workshops and act as a conduit between the Community Board and Council. At the Council meetings the Community Board Chairpersons have speaking rights but not voting rights. This additional duty is recorded in the Community Board terms of reference and in the Code of Conduct.

4 Discussion

The Tairua-Pauanui Community Board is required to determine a voting system and then to elect a Chairperson and Deputy Chairperson

5 Suggested Resolution(s)

That the Tairua-Pauanui Community Board:

1. Receives the report.
2. Determines the system of voting (either System A or System B) in accordance with the requirements of the Local Government Act 2002, Schedule 7 clause 25(2).

Following determination of the system for voting, nominations will be called for the position of Chairperson and Deputy Chairperson and voting will take place in accordance with that determination.

Further Suggested Resolution(s)

That the Tairua-Pauanui Community Board:

1. Appoints *[name of Board member]* to the position of Chairperson of the Tairua-Pauanui Community Board in accordance with the requirements of the Local Government Act 2002, Schedule 7 clause 37.
2. Appoints *[name of Board member]* to the position of Deputy Chairperson of the Tairua-Pauanui Community Board in accordance with the requirements of the Local Government Act 2002, Schedule 7 clause 17.