

CANTERBURY REGIONAL COUNCIL  
*Kaunihera Taiao ki Waitaha*

# AGENDA|2017

## COUNCIL

Thursday 30 November 2017

.....

Time: 10.00am

Venue: Council Chamber,  
200 Tuam Street, Christchurch



## **Council**

### **Membership**

#### **Acting Chair**

Steve Lowndes

#### **Membership**

David Caygill, Iaeen Cranwell, Rod Cullinane,  
Elizabeth Cunningham, Tom Lambie,  
Claire McKay, Lan Pham, Dr Cynthia Roberts,  
Peter Scott, Peter Skelton, John Sunckell

**CANTERBURY REGIONAL COUNCIL**

**COUNCIL MEETING**

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**1. Karakia**

**2. Apologies**

**3. Conflicts Of Interest**



## 4. Matters For Council Decision

### 4.1. Election of Chairperson

## Council Report



<b>Date of Meeting</b>	30 November 2017
<b>Portfolio</b>	Regional Leadership
<b>Author</b>	Cindy Butt Governance Team Leader
<b>Endorsed by</b>	Bill Bayfield Chief Executive
<b>Legal Review</b>	24 November 2017, Catherine Schache, General Counsel

### Purpose

1. To outline the process for the election of the Chairperson.

### Value proposition

2. Schedule 7, clause 17 of the Local Government Act (LGA) requires a regional council to elect one of its members to be its chairperson.
3. Schedule 7, clause 24 of the LGA then states: *“The acts of a local authority must be done, and the questions before the local authority must be decided at a meeting by –*
  - (a) *vote; and*
  - (b) *the majority of members that are present and voting.”*

### Recommendations

#### That Council:

1. **Receives the report.**
2. **In the event that the Acting Chair seeks nomination as Chair, the Council selects an interim chair to preside at the meeting until the new Chairperson is elected.**

3. **Adopts System A as the voting procedure for the election of the Council Chairperson.**
4. **In the event of a tie between the highest polling candidates, the names of the candidates receiving an equal number of votes be put into a container and the candidate drawn out, by an independent person (such as the Chief Executive), is deemed to be elected.**
5. **Elects the Chairperson.**

### **Chairperson's leave of absence**

4. Council granted leave of absence to Chairman David Bedford from 20 July to 31 October (or earlier if requested by him).
5. The LGA and Council's Members' Code of Conduct provide that the Deputy Chair assumes the responsibilities, duties and powers of the Chair at any time while the Chair is prevented by illness from performing them. The LGA also provides that the Deputy Chair continues to hold office as Deputy Chair during this time. Accordingly there was no need to elect an interim Chair or Deputy Chair.
6. Thus Deputy Chair Steve Lowndes has performed the responsibilities, duties and powers of the Chair since 20 July 2017 until now.

### **Chairperson resignation takes effect the day it is received**

7. On 26 September 2017 Chairman David Bedford submitted his resignation. Under the Local Government Act 2002 - schedule 7, clause 4(2): *"the notice takes effect on the day on which it is delivered to the chief executive of the local authority."*
8. Council delayed consideration of electing its new Chairperson until after the general election (held 23 September 2017) and the government was formed.

### **Interim chair to preside at the meeting if the Acting Chair is nominated**

9. If the Acting Chair accepts a nomination for the election of the Chairperson, he cannot chair the meeting and council must select an interim chair to preside for the election of the Chair.
10. In that event, the Acting Chair will open the meeting and call for nominations for an interim chair to preside at the meeting during the election of the Chairperson (which ought to be for a Councillor who does not intend to accept a nomination to be elected Chair). The nomination for interim Chair will be moved and seconded and put to the vote of the meeting.

11. If the Acting Chair is elected Chairperson, an election for a new Deputy Chair is required.

### **If the Acting Chair does not seek nomination or is not elected**

12. If the Acting Chair does not seek nomination he can chair the meeting until the new Chairperson is elected. He will retain his position as Deputy Chair and no Deputy Chair election is required.
13. If the Acting Chair is not elected, he retains his Deputy Chair position and no Deputy Chair election is required.

### **What the ECan Act says about the composition of the governing body**

14. Under the Environment Canterbury (Transitional Governance Arrangements) Act 2016 the transitional governing body of Environment Canterbury comprises *“(a) no fewer than 4 and no more than 7 elected members; and (b) no fewer than 3 and no more than 6 appointed members.”*

### **The process to elect the chairperson**

15. The interim or Acting Chair is required to call for nominations for the election to the office of the Council Chairperson.
16. If a vote is required the interim or Acting Chair must follow the provisions of clause 25 of Schedule 7 of the Local Government Act 2002 that sets out two voting options, and before Council can begin the process of electing its Chair it must first determine by resolution its preferred voting system.

### **17. Voting Systems for certain appointments**

#### *"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 two 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 one round of voting; and*
    - ii. *If two or more candidates tie for the most votes, the tie is resolved by lot."*

18. After the Chair election and the making and attesting of the Chair declaration, the newly-elected Council Chairperson assumes the chair for the rest of the meeting.

**19. The voting process steps**

- a) In the event the Acting Chair seeks nomination, he vacates the Chair and the Council selects an interim chair to preside at the meeting until the new Chairperson is elected.
- b) The duly elected interim Chair assumes the Chair.
- c) Council resolves its voting procedure to be adopted and the procedure in the event of a tie.
- d) Nominations for Chairperson called for (nominated and seconded).
- e) Nominees may be allowed a period of up to 10 minutes to make a presentation.
- f) Voting for Chairperson as per agreed system.
- g) Chairperson declared elected.
- h) Chairperson makes and attests the Chairperson declaration.
- i) Chairperson assumes the Chair.



In agreeing the voting process, ground rules also need to be noted.

## **20. Ground rules**

- a) A member may nominate or second themselves.
- b) Any member can call for a Division vote.
- c) Standing Orders apply – Divisions will be carried out with names called in random order.
- d) Any member can abstain from voting.
- e) In the event of a tie between the highest (and/or lowest) polling candidates, the names of the candidates receiving an equal number of votes be put into a container and the candidate drawn out, by an independent person (such as the Chief Executive), is deemed to be elected.

## **Financial implications**

There are no financial implications associated with the decision Council is being asked to make.

## **Legal compliance and risk assessment**

Legal compliance has been assessed by General Counsel.

## **Attachments**

A copy of the declaration is appended to the report.



# Canterbury Regional Council

## Declaration by Chairperson

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 Canterbury Region, the powers, authorities, and duties vested in, or imposed upon, me as Chairperson of the Canterbury Regional 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 the 30th day of November 2017.

Signature \_\_\_\_\_

In the presence of:

Bill Bayfield  
**Chief Executive**

## 4.2. Election of Deputy Chairperson

### Council Report

<b>Date of Meeting</b>	30 November 2017
<b>Portfolio</b>	Regional Leadership
<b>Author</b>	Cindy Butt Governance Team Leader
<b>Endorsed by</b>	Bill Bayfield Chief Executive
<b>Legal Review</b>	24 November 2017, Catherine Schache, General Counsel

### Purpose

1. To outline the process for the election of the Deputy Chairperson.

### Value proposition

2. Schedule 7, clause 17 of the Local Government Act (LGA) requires a regional council to elect one of its members to be its deputy chairperson.
3. Schedule 7, clause 24 of the LGA then states: *“The acts of a local authority must be done, and the questions before the local authority must be decided at a meeting by –*
  - (a) *vote; and*
  - (b) *the majority of members that are present and voting.”*

### Recommendations

**That Council:**

1. **Receives the report.**
2. **Adopts System A as the voting procedure for the election of the Deputy Chairperson.**
3. **That in the event of a tie between the highest polling candidates, the names of the candidates receiving an equal number of votes be put into a container and the candidate drawn out, by an independent person (such as the Chief Executive), is deemed to be elected.**

#### 4. Elects the Deputy Chairperson.

### The process to elect the Deputy Chairperson

4. The Chairperson is required to call for nominations for the election to the office of Deputy Chairperson as outlined in the Local Government Act 2002.
5. If a vote is required the Chairperson must follow the provisions of clause 25 Schedule 7, of the Local Government Act 2002 that sets out two voting options, and before Council can begin the process of electing its Deputy Chair it must first determine by resolution its preferred voting system.

#### 6. Voting Systems for certain appointments

##### *"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 two 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 one round of voting; and*
  - ii. *If two or more candidates tie for the most votes, the tie is resolved by lot.”*

## **7. The voting process steps**

- a) Council resolves its voting procedure to be adopted and the procedure in the event of a tie.
- b) Nominations for Deputy Chairperson called for (nominated and seconded).
- c) Nominees may be allowed a period of up to 10 minutes to make a presentation.
- d) Voting for Deputy Chairperson as per agreed system.
- e) Deputy Chairperson declared elected.
- f) The Deputy Chairperson position is not required to make and attest a declaration.

In agreeing the voting process, ground rules also need to be noted.

## **8. Ground rules**

- a) A member may nominate or second themselves.
- b) Any member can call for a Division vote.
- c) Standing Orders apply – Divisions will be carried out with names called in random order.
- d) Any member can abstain from voting.
- e) In the event of a tie between the highest (and/or lowest) polling candidates, the names of the candidates receiving an equal number of votes be put into a container and the candidate drawn out, by an independent person (such as the Chief Executive), is deemed to be elected. Financial implications

## **Financial implications**

There are no financial implications associated with the decision Council is being asked to make.

## **Legal compliance and risk assessment**

Legal compliance has been assessed by General Counsel.

## **Attachments**

Nil.

**4. Other Business**

**5. Notices Of Motion**

**6. Questions**

**7. Next Meeting**

**8. Closing Karakia**