



Waitaki

DISTRICT COUNCIL
TE KAUNIHERA Ā ROHE O WAITAKI

Notice of Meeting of

Inaugural Council

in the

**Whitestone Cheese Empire Room, Oamaru Opera House
Thames Street, Oamaru**

at

11.15am, Wednesday 19 October 2016

**Reconvened in the Council Chambers
Council HQ, 20 Thames Street, Oamaru**

at

1.15pm, Wednesday 19 October 2016

*In the interests of the environment and to help reduce photocopying costs,
please bring your Council agenda with you to the meeting*

Waitaki District Council Meeting

11.15am, Wednesday 19 October 2016

Whitestone Cheese Empire Room, Oamaru Opera House
Thames Street, Oamaru

1. **Mayor and Councillors Declarations**
 - Signing of Declarations
2. **Individual and Group Photographs at 11.45am**

***12.15pm Meeting Adjourns
Reconvenes at 1.15pm at Council Chambers, Council HQ***

Apologies

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Waitaki District Council Report

From Electoral Officer

Date 19 October 2013

Election Report – October 2016

Recommendation

Council recommends that the information be received.

Purpose

The purpose of this report is to provide Council with the results of the 2016 local authority elections conducted in the Waitaki District.

Summary

This report includes information about voting documents and results of the 2016 triennial elections which were conducted in accordance with the Local Electoral Act 2001 and associated regulations.

Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	No	Environmental Considerations	No
Legal	Key	Cultural Considerations	No
Significance	Key	Social Considerations	No
Financial Criteria	No	Economic Considerations	No
Community Views	Key	Community Board Views	No
Consultation	No	Publicity and Communication	No

Waitaki District Council

At the close of nominations on 12 August 2016 there were three uncontested issues for the Waitaki District Council being the Ahuriri Ward, Ahuriri Community Board and Corriedale Ward.

The following persons were elected unopposed:

Ahuriri Ward

Craig Dawson

Ahuriri Community Board

Tony Chapman
Brent Cowles
Graham Sullivan
Vicky Munro
Calum Reid

Corriedale Ward

Bill Kingan
Guy Percival

Otago Regional Council – Moeraki Constituency

The issue was uncontested and the result was declared by the Electoral Officer for the Otago Regional Council. The following person was elected:

Moeraki Constituency

- Doug Brown

Environment Canterbury – South Canterbury Constituency

South Canterbury Constituency

- Peter Scott

The final results of the election were received on Thursday 13 October 2016 and the successful candidates elected are:

Mayor

Gary Kircher

Oamaru Ward

Melanie Tavendale
Colin Wollstein
Hugh Perkins
Jim Hopkins
Peter Duncan Garvan
Jeremy Holding

Waihemo Ward

Jan Wheeler

Waihemo Community Board

Carol Watson
Kathy Dennison
Paul Roy
Heather McGregor
Ken Brown

Oamaru Licensing Trust

Council undertook the election on behalf of the Oamaru Licensing Trust. The successful candidates:

Ali Brosnan
Denise McMillan
Alan McLay
Peter James Bond
Warren Prescott

Voting Documents

Ordinary Voting Documents

The number of voting papers issued to residential and ratepayer electors and the valid returns for each ward (excluding special votes returned) were as follows:

Issue	Voting Papers Issued	Returns	% Returned
Ahuriri	887	396	45.15
Corriedale	3110	1,449	46.59
Oamaru	10161	5328	52.44
Waihemo	1737	876	50.43
Total	15885	8049	50.67

The percentage of returns in this election was 50.67% compared with 56.72% in 2013.

General

Election Team

The election team consisted of Electoral Officer Anthony Morton, Electionz.com, Deputy Electoral Officer Carole Hansen. Electoral Officials Elly Finnerty and David Blair.

Processing of Voting Documents

All voting documents were processed by Electionz.com in Christchurch. Any voting papers handed into the Council office were forwarded on a daily basis. Voting papers hand delivered to the Council office on Friday 7 October 2016 were couriered to Electionz.com at 3.30pm. Any remaining voting papers hand delivered to the Council office up until 12.00pm Saturday 8 October 2016 were couriered to Electionz.com at 12.30pm on the 8 October 2013.

Results

Provisional results based on 98% of the voting documents having been processed were released on Saturday 8 October 2016. Preliminary results were received on Sunday 9 October 2016. The official results were received on Thursday 13 October 2016 and will be publicly advertised on the 18 and 19 October 2016.

Anthony Morton
Electoral Officer



Michael Ross
Chief Executive Officer

Waitaki District Council

Memorandum

From: Chief Executive

Date: 19 October 2016

Explanation of Legislation

Recommendation

That Council resolves to receive this information.

Summary

To report on legislation as set out in Section 48 and Clause 21(5)(c) of Schedule 7 of the Local Government Act 2002 (The Act).

Purpose

The purpose of this report is to provide the general explanation of these Acts as required under the Local Government Act 2002.

Background

The Act requires that at the first meeting of the Council following the triennial general election a general explanation must be given of the Local Government Official Information and Meetings Act 1987 and appropriate provisions of:

- (a) The Local Authorities (Members' Interests) Act 1968;
- (b) Sections 99, 105 and 105A of the Crimes Act 1961;
- (c) The Secret Commissions Act 1910; and
- (d) The Financial Markets Conduct Act 2013.

Comments

1. Local Government Official Information and Meetings Act 1987

(a) General Principle

The stated purpose of this Act is to make official information held by local authorities more freely available, to provide for access to that information, to provide for admission to meetings of local authorities and to protect official information held by local authorities consistent with the public interest and preservation of personal privacy.

The Act is very broad. It does not define the word "information". It sees official information as any item of information held by a local authority. So official information is not limited to documents like letters, reports, memoranda or files but includes sound tapes, video tapes, computer tapes and discs, maps, films, photographs and plans.

The heart of the Act is contained in the "principle of availability" set out in Section 5 of the Act:

"The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it."

So the fundamental principle of the Act is that information must be made available unless there is "good reason" under the Act to withhold it.

(b) Requests

Anyone can make a request for official information.

If the information sought is not held by the Council or a Council officer believes the request to be more closely connected with another organisation then the officer must, within 10 working days transfer the request.

Where the Council holds the information a decision on whether to release the information must be made within 20 working days of receipt of a request. Charges may be made for supplying information.

Where the information sought is large or consultations are necessary for a proper response then the Chief Executive or an authorised officer may extend the time limit for a "reasonable period". The requester must be told the period of extension, the reasons for the extension and the fact that the extension can be referred to the Ombudsman.

Every request must be dealt with on its merits and a decision whether to refuse is made on the circumstances of each case.

Generally, where the information is released then it must be released in the manner requested.

(c) Refusals

In considering a refusal of a request for official information the Act fixes the responsibility on the Chief Executive or an officer authorised by him/her. While the statutory responsibility is placed on the Chief Executive, that officer is not prevented from consulting the Council or any other person in relation to a decision to refuse.

The Act sets out approximately 25 'good reasons' why official information can be refused. If the grounds for refusal do not fall within one of these "good reasons" the information **must** be released.

'Good reasons' include:

- (i) Protecting the privacy of natural persons;
- (ii) Maintaining the effective conduct of public affairs through free and frank expressions of opinions by or between elected members and officers;
- (iii) Enabling a local authority to carry out, without prejudice or disadvantage, commercial activities;
- (iv) Enabling a local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); and
- (v) To maintain legal professional privilege.

All of the reasons outlined above are subject to a "public interest" test, that is, even if the information sought falls within one of the refusal categories it must be released where the withholding of the information is outweighed by other considerations rendering it desirable in the public interest that the information be released.

The Act also contains a number of administrative grounds as to why a request can be refused. These include the fact:

- (i) The information is or will soon be publicly available;
- (ii) The information requested cannot be made available without substantial collation and research.

If a request is refused the Council must give the requester:

- (i) The reason for its refusal;
- (ii) The grounds in support of that refusal; and
- (iii) Advice as to the right to apply to the Ombudsman to seek a review of the refusal.

(d) Ombudsman's Investigation

Under the Act the Ombudsman can investigate any refusal by the Council to provide information and can investigate the charges made by the Council.

If the matter cannot be resolved during the investigation the Ombudsman may make a recommendation to the Council. The Council is under a public duty to observe that recommendation unless, within 21 working days of receiving the recommendation, it resolves not to accept it.

A decision not to accept an Ombudsman's recommendation must be notified to the applicant and the Ombudsman and published in the New Zealand Gazette together with the Council's reasons for its decision. The applicant may apply to the High Court for a review of the Council's decision. Whatever the result of the High Court hearing, the applicant's legal costs must be paid by the Council unless the Court is satisfied the application was not reasonably or properly brought.

(e) Other Rights of Access

The Act also gives every person a right of access to any document, including manuals which the Council holds containing policies, rules, or guidelines by which decisions or recommendations are made. There are limited rights of refusal available to the Council.

Section 22 of the Act provides that where the Council makes a decision or recommendation in respect of any person in that person's personal capacity, that person has the right on request to have within a reasonable time a written statement from the Council of:

- (i) The findings on material issues of fact;
- (ii) A reference to the information on which the findings were based; and
- (iii) The reasons for the decision or recommendation.

(f) Access to Meetings

The Act provides the public and media have a right of access to all meetings of the Council, committees, sub-committees (with power to act) and Community Boards unless the meeting resolves to exclude the public. Copies of meeting agendas must be available for the public and the media.

The grounds for excluding the public and the media from a meeting can only be those provided in the Act and essentially are the same grounds as for withholding official information. A motion to exclude must state the subject matter of the 'non-public' matter and the specific reason provided in the Act.

Even where a meeting has resolved to exclude the public a person can request a copy of the minutes of the meeting and that request must be treated in the same way as a request for official information and subject to review by an Ombudsman.

(g) Order Papers

Order Papers for meetings must be publicly available at least two working days before the meeting. Generally supplementary reports cannot be dealt with unless agreed to by the meeting and unless the Chairperson explains why the report was not in the Order Paper and why the subject cannot wait until the next meeting.

(h) Order at Meetings

Section 50 of the Act provides that the chairperson of a meeting may require a member of the public to leave the meeting if the Chairperson believes on reasonable grounds that person's behaviour is "likely to prejudice or continue to prejudice" the orderly conduct of the meeting.

The Chairperson may call on a Police Constable or Council officer to remove a person from the meeting.

(i) Qualified Privilege

Sections 52 and 53 of the Act provide **that written or oral** statements on any matter before a meeting of the Council, committee or Community Board is privileged unless the statement is proved to be motivated by ill will. This type of privilege is known as qualified privilege.

Qualified privilege is a protection afforded by the law on certain occasions to a person acting in good faith and without any improper motive who makes a defamatory statement about another person.

It is established law that meetings of local authorities are privileged occasions. This would now include Community Boards. The reason given by the Courts is that those who represent local government electors should be able to speak freely on any matter they believe affects the interests of their residents.

The situation regarding statements made outside a formal meeting is not so clear. Certainly the statutory protection of sections 52 and 53 would not necessarily extend outside a meeting.

What is required for qualified privilege to apply is a positive belief in the truth of what is said, and that there is no suggestion of personal spite or ill-will by the maker.

2. Local Authorities (Members' Interests) Act 1968

This Act contains provisions relating to contracts between elected members and the Council and provisions relating to elected members voting on matters where they have a pecuniary interest.

(a) Contracts

The Act provides that no person can be an elected member if the total of all contract payments made or to be made by the Council in which that person is 'concerned or interested' exceeds \$25,000 in any financial year. Contracts include sub-contracts.

There are provisions regarding contracts between the Council and a company in which an elected member or spouse has an interest. Generally a person will be concerned or interested in a contract where that person or spouse holds 10% or more of the issued capital of the company or a controlling company, or the member or spouse is a shareholder and is either a managing director or general manager.

Certain exclusions are provided for such as where the member and spouse are living apart, or the member did not know and had no reasonable opportunity of knowing the spouse was a shareholder and managing director or general manager.

The limit of \$25,000 may be extended by the Office of the Auditor General in special cases. Such approval can be given retrospectively.

Provision is made for contracts entered into by the Council before an election and for continuing contracts.

If a person breaches the \$25,000 limit that person is disqualified from holding office and an extraordinary vacancy arises. The disqualification remains until the next triennial election. Where a disqualified person acts as a member an offence is committed with a maximum fine of \$200.

(b) Pecuniary Interest

The Act provides that no elected member shall vote on or take part in the discussion of any matter in which that person has, directly or indirectly, any "pecuniary interest" other than an interest in common with the public.

The prohibition applies where the member's spouse has a pecuniary interest and where the member or spouse holds 10% or more of the shares in a company or a controlling company which has a pecuniary interest, or either person is a shareholder and is managing director or general manager of the company.

Members who are prohibited under the Act from voting on or discussing a matter are under a duty to declare to the meeting their pecuniary interest and their abstention from discussion or voting must be recorded in the minutes.

The prohibition against discussing or voting on a matter does not apply in certain situations, such as:

- (i) Members' remuneration where the maximum rate has already been fixed;
- (ii) Election or appointment of any member to a Council, or community board, office notwithstanding that remuneration is payable; and
- (iii) The preparation, approval, or review of a district scheme or district plan, unless the matter relates to any variation or change or departure from a district scheme or district plan or to the conditional use of land.

The Audit Office has the power to declare that the prohibition shall not apply in respect of any particular matter if the Office is satisfied the prohibition would impede the business of the Council or that it is in the interest of the electors that the prohibition not apply.

Any member who contravenes the prohibition commits an offence liable to a fine of \$100. Upon conviction the member vacates office and an extraordinary vacancy is created.

3. **Sections 99, 105 and 105A Crimes Act 1961**

(a) **Section 99**

Section 99 defines, for the purposes of the Crimes Act 1961, an "official" as any member or employee of any local authority. Member here would include a Community Board member.

(b) **Section 105**

Section 105 provides that it is an offence punishable by seven years imprisonment for an "official" to corruptly accept or obtain, or to attempt to obtain, any bribe in respect of anything done or omitted to be done by the official in an official capacity.

A person making or attempting to make the bribe is liable to three years imprisonment.

(c) **Section 105A**

Section 105A provides that every official is liable to seven years imprisonment who corruptly uses any information acquired in an official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for the official or any other person.

4. **Secret Commissions Act 1910**

This Act puts in legislation the principle that a person holding a position of trust, such as elected members should not make a profit through their office.

The Act provides that elected members and officers are 'agents' of the Council and that every agent commits an offence who corruptly accepts or obtains or solicits, for themselves or any other person, any gift or other consideration as an inducement or reward for doing or not doing any act in relation to the Council's affairs, or for having shown favour or disfavour to any person in relation to the Council's affairs.

Any agent who diverts, obstructs or interferes with the proper course of the Council's business, or fails to use due diligence in the prosecution of such business with intent to obtain for themselves or any other person any gift or other consideration shall be deemed to have corruptly solicited a consideration.

While 'gift' is not defined, 'consideration' is. It includes discounts, commissions, rebates, bonuses, deductions, percentages, employment and money (including loans).

Generally trade practices or customary gifts do not constitute a defence to a charge under the Act.

Section 5 of the Act provides that the agent, who makes a contract on behalf of Council must disclose to the Council any pecuniary interest in the contract. This provision is similar to that contained in the Local Authorities (Members' Interests) Act 1968.

Also, it is an offence to advise the Council with intent to induce it to enter into a contract with a third person, and receive any gift or consideration from the third person, without disclosing to the Council the fact of payment.

Upon conviction for any offence under the Act an agent is liable to a maximum fine of \$2,000 or two years imprisonment and would vacate their office.

5. Financial Markets Conduct Act 2013

Waitaki District Council does not currently offer any financial products to the public. If Council were, in the future, to decide to venture into the area of retail fund-raising it would have to comply with the requirements of the Financial Markets Conduct Act 2013.

The main purpose of the Financial Markets Conduct Act 2013 is to promote the confident and informed participation of businesses, investors and consumers in the financial markets; and to promote and facilitate the development of fair, efficient, and transparent financial markets. The Act also provides for timely, accurate, and understandable information to assist in making decisions about financial products and the provision of financial services; and to ensure that appropriate governance and monitoring arrangements apply to financial products and services.

The Act essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

6. Health and Safety at Work Act 2015

On 4 April 2016, the Health and Safety at Work Act 2015 (HSWA) came into force. The HSWA provides a significant change to New Zealand's current health and safety legislation and is a response to the scrutiny placed on New Zealand's health and safety practices following the Pike River tragedy.

The Act allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace, and for the person conducting a business or undertaking (PCBU) (ie the Council) to ensure, as far as is reasonably practicable, the safety of workers and others who may be impacted by the work the business undertakes. One of the significant changes is the introduction of "Officers", who is any person occupying a position in relation to the business or undertaking, that allows the person to exercise significant influence over the management of the business or undertaking.

For the purposes of the HSWA, elected Council members (which include the Mayor and Councillors but excludes Community Board members) and the Chief Executive are by default identified as "Officers".

Officers have obligations of due diligence, which are:

- (a) to acquire, and keep up-to-date, knowledge of work health and safety matters; and
- (b) to gain an understanding of the nature of the operations of the business or undertaking of the PCBU, and generally of the hazards and risks associated with those operations; and
- (c) to ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
- (d) to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and
- (e) to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and
- (f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).

The duties of the Officers and of the PCBU are independent of each other. This means if a PCBU has failed to meet its duty but the Officers exercised due diligence then they would not be personally liable for the health and safety failings.

7. Public Records Act 2005

The Public Records Act's purpose is to provide a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible. The Public Records Act 2005 provides for the continuity of the National Archives and the role of the Chief Archivist. The Act enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It also provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.

The definition of a record includes information, whether in its original form or otherwise, and is not limited to just written information. The definition also includes (but is not limited to) a signature, a seal, text, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process.

In the conduct of their affairs elected members may receive information directly, for example from constituents. Members will need to consider whether that information meets the definition of a local authority record and if so will need to ensure it is included in the Council's records.



Michael Ross
Chief Executive

Waitaki District Council Report

From Mayor Kircher

Date 19 October 2016

Appointment of Deputy Mayor

Recommendation

That Council supports the nomination moved by the Mayor for the appointment of a Deputy Mayor as per section 41A(3)(a) of the Local Government Act 2002.

Purpose

The purpose of this report is to provide information, choices and options under section 41A(3)(a) of the Local Government Act 2002 regarding the appointment of the Deputy Mayor.

Summary

As a result of amendments to the Local Government Act in December 2012 the Mayor has the power to appoint the Deputy Mayor, establish committees and appointment the chairperson of each committee. These powers seek to strengthen the leadership role of the Mayor. Effectively the Mayor has the following choices:

1. Undertake to appoint the Deputy Mayor as per section 41A(3)(a)
- OR
2. Decline to exercise the powers to appoint a Deputy Mayor and undertake to elect the Deputy Mayor under clause 17(1), schedule 7 and clause 25, schedule 7 of the Local Government Act.

Although the Mayor has the option of appointing the Deputy Mayor, section 41A(4) notes that nothing limits or prevents Council from removing a Deputy Mayor appointed by the Mayor under section 41A(3).

Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	No	Environmental Considerations	No
Legal	Key	Cultural Considerations	No
Significance	Moderate	Social Considerations	No
Financial Criteria	No	Economic Considerations	No
Community Views	No	Community Board Views	No
Consultation	No	Publicity and Communication	No

Background

The Local Government Act notes every territorial authority shall appoint one of its members to be Deputy Mayor, clause 17, schedule 7 at its first meeting following the triennial election. As set out in the summary, changes to the Local Government Act in December 2012 mean that the Mayor has a greater role in the appointment of the Deputy Mayor, establishment of committees and appointment of chairpersons.

Summary of Options Considered

The options and choices for the appointment of the Deputy Mayor are presented in the diagram on the following page. Each of the two options includes two sub options which relate to either the appointment or election of the Deputy Mayor:

Option One: Mayor Appoints Deputy Mayor

Under option one the Mayor elects to appoint the Deputy Mayor as set out under section 41A(3)(a) of the Local Government Act. While not specifically set out in the Local Government Act, under option one Council will have the option of resolving to support the nomination. There are two other choices available to the Mayor under this option:

Option One: The Mayor appoints the Deputy Mayor at this meeting or at the Council meeting on 26 October 2016.

Option Two: The Mayor workshops the appointment with Councillors before appointing the Deputy Mayor on 26 October 2016 or at a future date.

While the Mayor has the power to appoint the Deputy Mayor, Council still retains the power by majority to remove the appointee at the meeting or at a future meeting subject to the conditions being met in clause 18, 3-6, schedule 7 of the Local Government Act.

Election of Deputy Mayor

Under option two the Mayor declines to exercise the power to appoint a Deputy Mayor and instead opts for the election using one of the election systems set out in in clause 25 schedule 7 of the Local Government Act. The preferred voting system needs to be agreed by Council as a resolution. The two systems set out in the Local Government Act include:

Voting System A – Clause 25, Schedule 7 (3)

(a) Requires that a person is elected or appointed if he/she receives the votes of a majority of the members of the local authority; 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 round and if necessary subsequent round of voting 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 excluded by lot

Voting System B – Clause 25, Schedule 7 (4)

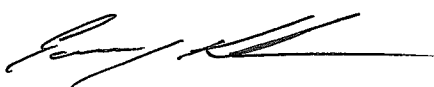
(a) Requires that a person is elected or appointed if he/she receives more votes than any other candidate; and

(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 ties is resolved by lot

Implementation of the Preferred Option

As set out in the changes to the Local Government Act in December 2012, the decision on either the appointment or election of the Deputy Mayor remains a choice for the new Mayor. We understand that, subject to the election of Councillors and Mayor by clear majorities that conversations regarding the Deputy Mayor may occur in advance of the inaugural meeting on 19 October 2016. Officers will be available to provide advice and support Council with either option.



Gary Kircher
Mayor for Waitaki

Attachment

Additional Decision Making Criteria

Appendix 1: Flowchart – Appointment of Deputy Mayor

Additional Decision Making Criteria

Section 41A Role and Powers of Mayors

- (1) The role of a mayor is to provide leadership to-
 - a. the other members of the territorial authority; and
 - b. the people in the district of the territorial authority
- (2) Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.
- (3) For the purposes of subsections (1) and (2), a mayor has the following powers:
 - a. to appoint the deputy mayor
 - b. to establish committees of the territorial authority
 - c. to appoint the chairperson of each committee established under paragraph (b)

Clause, 18, Schedule 7 Power to remove chairperson, Deputy Chairperson, or Deputy Mayor

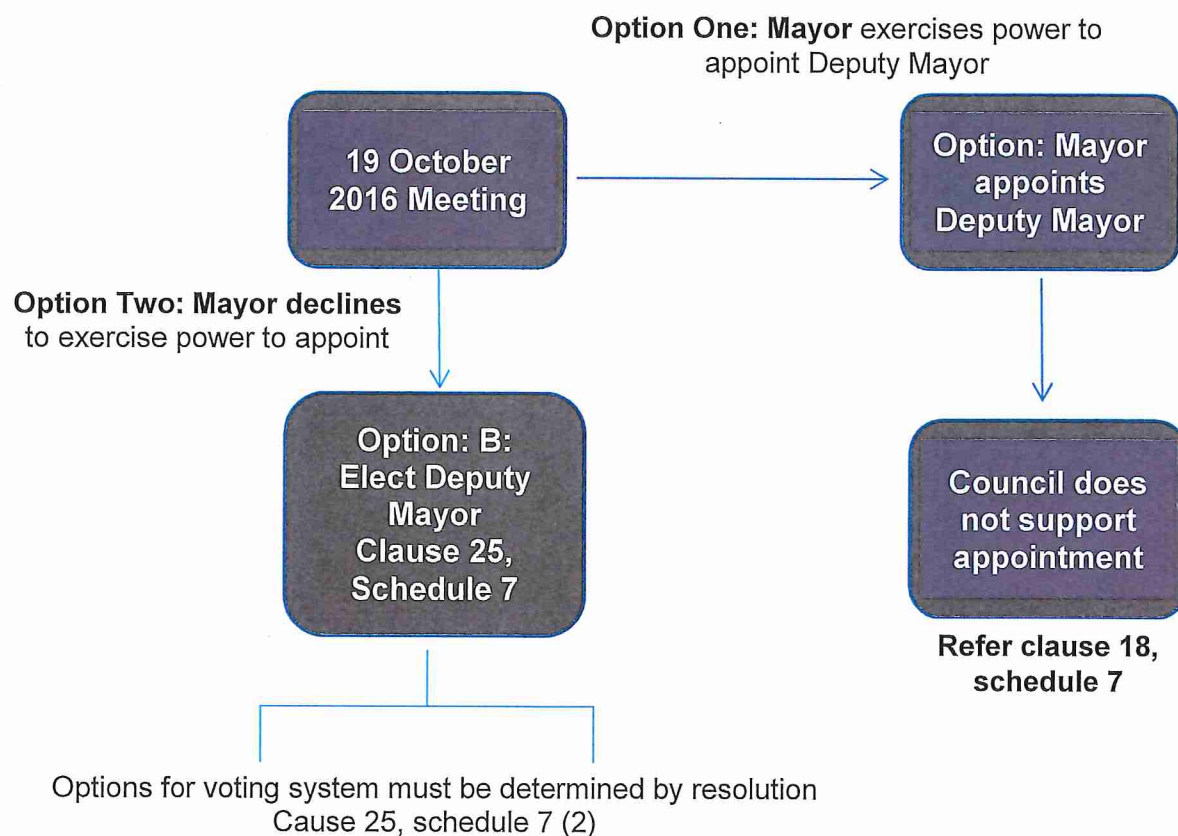
- (1) At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its chairperson, deputy chairperson, or deputy mayor from office.
- (2) If a chairperson, deputy chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new chairperson, deputy chairperson, or deputy mayor at that meeting.
- (3) A meeting to remove a chairperson, deputy chairperson, or deputy mayor may be called by—
 - (a) a resolution of the territorial authority or regional council; or
 - (b) a requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
- (4) A resolution or requisition must—
 - (a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) indicate whether or not, if the chairperson, deputy chairperson, or deputy mayor is removed from office, a new chairperson, deputy chairperson, or deputy mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
- (5) A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
- (6) The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
- (7) A resolution removing a chairperson, deputy chairperson, or deputy mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

Clause, 25, Schedule 7, 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.

Appendix 1: Flowchart – Appointment of Deputy Mayor



Election System A

System A – clause 25, schedule 7 (3)

(a) Requires that a person is elected or appointed if he/she receives the votes of a majority of the members of the local authority; 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 round and if necessary subsequent round of voting 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 excluded by lot.

Election System B

System B – clause 25, schedule 7 (4)

(a) Requires that a person is elected or appointed if he/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

Waitaki District Council Report

From Chief Executive Officer

Date 19 October 2016

First Meeting of Council – 26 October 2016

Recommendation

Council resolves to set the date and time of the first Council meeting 9.00am, Wednesday 26 October 2016.

Objective of the Decision

The purpose of this report is to set the date and time of the first Council meeting - 9.00am, Wednesday 26 October 2016. Subject to Council agreeing the recommendation, further advice and a proposed meeting schedule up to 31 January 2017 will be presented for consideration.

Background

Section 21(5)(d) of the Local Government Act 2002 requires Council to *fix the date and time of the first meeting of the local authority, or adoption of a schedule of meetings* at the first meeting following the triennial general election. Further advice on meeting structures and schedules will be presented to Council during the first full meeting on 26 October 2016.

Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	No	Environmental Considerations	No
Legal	Key	Cultural Considerations	No
Significance	No	Social Considerations	No
Financial Criteria	No	Economic Considerations	No
Community Views	No	Community Board Views	No
Consultation	No	Publicity and Communication	No

The recommendation within this report is within the scope of the purpose and amendments to Local Government Act 2002 to enable democratic local decision-making and action by, and on behalf of, communities; and to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

Summary of Options Considered

Option One - Recommended

Council sets the date and time of the first meeting to 9.00am, 26 October 2016 in accordance with Section 21(5)(d) of the Local Government Act 2002. Option one is consistent with the dates and information in the letter from the Chief Executive to candidates on 27 September and will allow the adoption of the 2015/16 Annual Report within statutory deadlines.

Option Two - Not Recommended

Council sets a date and time of the first meeting of the local authority **other** than 9.00am, 26 October 2016. This option is not preferred as Councillors may have already made arrangements to meet on 26 October 2016 and risks delaying the adoption of the 2015/16 Annual Report within statutory deadlines.

Implementation of the Recommended Option

Should Council agree option one, officers will prepare further advice on a schedule of meetings for consideration at the first Council meeting on 26 October 2016. This along with other officer reports (including the 2015/16 Annual Report) will be prepared and circulated to Councillors in accordance the requirements of the Local Government Official Information and Meeting Act (LGOIMA) 1987.



Michael Ross
Chief Executive Officer

Waitaki District Council Report

From Chief Executive

Date 19 October 2016

Minute of Appreciation 2016

Recommendations

That Council:

1. Records its sincere thanks to Kathy Dennison for the loyal and conscientious service given to the District as a member of the Waitaki District Council for eight years, 2008-2016. It further acknowledges the ten years (1998-2008) service previously as a Councillor and a Waihemo Community Board member, noting that this represents a total of 18 years of service. Council also congratulates Kathy on her election to the Waihemo Community Board for the 2016-2019 triennium.
2. Records its sincere thanks to Sally Hope for the loyal and conscientious service given to the District as a member of the Waitaki District Council for six years, 2010 - 2016.
3. Records its sincere thanks to June Slee for the loyal and conscientious service given to the district as a member of the Waitaki District Council for three years, 2013 – 2016.
4. That Council records its sincere thanks to Geoff Foote for the loyal and conscientious service given to the District as a member of the Waihemo Community Board for the four years 2012-2016, including three years as Chair 2013-2016.
5. That Council records its sincere thanks to Jane Carlyon for the loyal and conscientious service given to the District as a member of the Waihemo Community Board for three years 2013 – 2016.
6. That Council records its sincere thanks to Michael Blackstock for the loyal and conscientious service given to the District as a member of the Ahuriri Community Board nine years 2007 - 2016.

Purpose

To record a minute of appreciation to outgoing Councillors and Community Board members

Comment

Council, at the first meeting after the triennial elections, records a minute of appreciation to the outgoing Elected Members.



Michael Ross
Chief Executive