

# A G E N D A

FOR A **SPECIAL TECHNICAL SERVICES COMMITTEE** MEETING TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, **19 OCTOBER 2009** COMMENCING AT .....[following the appointment of Standing Committee at the Council Meeting]

---

**PRESENT:**

**APOLOGIES:**

**IN ATTENDANCE:**

**BUSINESS BEFORE COMMITTEE:**

***ELECTION OF CHAIR & DEPUTY CHAIR***

---

1. **Executive Director to call for nominations for the position of Chair**
2. **Executive Director to call for nominations for the position of Deputy Chair**

## ELECTION OF PRESIDING MEMBERS & DEPUTIES

### NOTES & EXTRACTS FROM LOCAL GOVERNMENT ACT

#### *Notes:*

- *The election of **Chair** is to be conducted in accordance with Section 5.12(1) and Schedule 2.3 Division 1 of the Local Government Act 1995 – refer attached copy Act extracts.*
- *The election of **Deputy Chair** is to be conducted in accordance with Section 5.12(2) and Schedule 2.3 Division 2 of the Local Government Act 1995 – refer attached copy Act extracts.*
- *Nominations are to be given to the CEO or Executive Director in writing before the meeting or during the meeting before the close of nominations. A Councillor can nominate another Councillor or a Councillor can nominate them self.*
- *The CEO or Executive Director cannot accept a nomination unless the Councillor being nominated has advised orally or in writing that they are willing to be nominated for the position.*
- *Councillors being members of the Committee, are to vote on the matter by secret ballot as if they were electors voting at an election.*
- *The votes cast will be counted in accordance with Schedule 4.1 of the Local Government Act 1995, a copy of which is also attached, ie. the “First Past the Post” method of counting votes will apply.*

# Copy Extracts from the *Local Government Act 1995*

## **5.12. Election of presiding members and deputies**

(1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —

- (a) to “office” were references to “office of presiding member”;
- (b) to “council” were references to “committee”; and
- (c) to “councillors” were references to “committee members”.

(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —

- (a) to “office” were references to “office of deputy presiding member”;
- (b) to “council” were references to “committee”;
- (c) to “councillors” were references to “committee members”; and
- (d) to “mayor or president” were references to “presiding member”.

# **Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council**

## **Division 1 — Mayors and presidents**

### **1. Definitions**

In this Division —

“**extraordinary vacancy**” means a vacancy that occurs under section 2.34(1);

“**the office**” means the office of councillor mayor or president.

### **2. When the council elects the mayor or president**

(1) The office is to be filled as the first matter dealt with —

(a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.

(2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

### **3. CEO to preside**

The CEO is to preside at the meeting until the office is filled.

### **4. How the mayor or president is elected**

(1) The council is to elect a councillor to fill the office.

(2) The election is to be conducted by the CEO in accordance with the procedure prescribed.

(3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

(3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.

(4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

(5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

(6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.

(7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

## **5. Votes may be cast a second time**

(1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.

(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.

(3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.

(4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

## **Division 2 — Deputy mayors and deputy presidents**

### **6. Definitions**

In this Division —

“**extraordinary vacancy**” means a vacancy that occurs under section 2.34(1);

“**the office**” means the office of deputy mayor or deputy president.

### **7. When the council elects the deputy mayor or deputy president**

(2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —

(a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.

(3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

### **8. How the deputy mayor or deputy president is elected**

(1) The council is to elect a councillor (other than the mayor or president) to fill the office.

(2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.

(3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.

(3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.

(4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.

(5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.

(6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

(7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

## **9. Votes may be cast a second time**

(1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.

(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.

(3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.

(4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

## **Schedule 4.1 — How to count votes and ascertain the result of an election**

[s. 4.74]

*[Heading inserted by No. 15 of 2009 s. 5.]*

1. The number of votes given for each candidate is to be ascertained.
2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
3. If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.
4. If the election is to fill 2 or more offices of councillor, the candidates elected are —
  - (a) the candidate who receives the greatest number of votes; and
  - (b) the candidate who receives the next highest number of votes; and
  - (c) the candidate who receives the next highest number of votes,and so on up to the number of offices to be filled.
5. If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

*[Schedule 4.1 inserted by No. 15 of 2009 s. 5.]*