



AGENDA

FOR A **SPECIAL TECHNICAL SERVICES COMMITTEE** MEETING TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, **22 OCTOBER 2007** 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**
It is to be noted that a nomination for the position of Chair has been received in writing from Cr J Everts.
2. **Executive Director to call for nominations for the position of Deputy Chair**

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 preferential 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

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president 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 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

Division 1 — Preliminary

1. Terms used in this Schedule

(1) In this Schedule —

“**continuing candidate**” means a candidate who has not already been elected or excluded from the count;

“**first preference vote**” received by a candidate means a vote cast by an elector that indicates that the candidate ranks highest in the order of the elector’s preference for the candidates;

“**one office election**” means an election to fill the office of mayor or president or to fill one office of councillor;

“**total vote**” means the total number of all the first preference votes received by candidates.

(2) A reference in this Schedule to votes of or obtained or received by a candidate includes votes obtained or received by the candidate on any transfer under this Schedule.

Division 2 — One office elections

2. One office election: 2 candidates

(1) If there are only 2 candidates in a one office election —

(a) the number of votes received by each candidate is to be ascertained; and

(b) the candidate who has the greater number of votes is elected.

(2) If the candidates have an equal number of votes, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

3. One office election: 3 or more candidates

Clauses 4 to 8 apply if there are 3 or more candidates in a one office election.

4. Count of first preference votes

(1) The number of first preference votes received by each candidate and the total vote are to be ascertained.

(2) If the number of first preference votes received by a candidate is more than half of the total vote, the candidate is elected.

5. Exclusion of candidate and transfer of votes if vacancy remains

(1) If the office has not been filled, the candidate who has the fewest first preference votes is excluded and all of that candidate’s votes are to be transferred to the continuing candidates as follows —

(a) any ballot papers of the excluded candidate that express the first preference vote for the excluded candidate and the next available preference for a particular continuing candidate are to be transferred to the continuing candidate;

(b) the total number of ballot papers that are transferred to a continuing candidate under paragraph (a) is to be added to the number of votes of the continuing candidate.

(2) If the number of votes that a continuing candidate has received on the completion of the transfer under subclause (1) is more than half of the total vote, the candidate is elected.

6. Further exclusions if necessary

(1) If, after the transfer of all the votes of an excluded candidate, the office has not been filled, the candidate who has the fewest votes is excluded and all of that candidate's votes are to be transferred to the continuing candidates as follows —

- (a) any ballot papers of the excluded candidate that express the first preference vote for the excluded candidate and the next available preference for a particular continuing candidate are to be transferred to the continuing candidate;
- (b) the total number of ballot papers that are transferred to a continuing candidate under paragraph (a) is to be added to the number of votes of the continuing candidate;
- (c) any ballot papers previously transferred to the excluded candidate under this Division that express the next available preference for a particular continuing candidate are to be transferred to the continuing candidate;
- (d) the total number of ballot papers that are transferred to a continuing candidate under paragraph (c) is to be added to the number of votes of the continuing candidate.

(2) If the number of votes that a continuing candidate has received on the completion of the transfer under subclause (1) is more than half of the total vote, the candidate is elected.

7. Filling vacancy if 2 candidates have equal votes after a transfer

If there are only 2 continuing candidates and they have received the same number of votes on the completion of a transfer under clause 5(1) or 6(1), the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

8. Procedure to determine excluded candidate if votes equal

If the candidate who has the fewest votes is required to be excluded under clause 5(1) or 6(1), and 2 or more candidates (the “**tied candidates**”) have an equal number of votes (no other candidate having fewer votes) the returning officer is to draw lots in accordance with regulations to determine which of the tied candidates is excluded.