

16. 12. 99

**SUPPLEMENTARY REPORT OF THE
LEGAL SERVICES MANAGER**

2. RESIGNATION OF COUNCILLOR FAHEY

RR 11227

Officer responsible Legal Services Manager	Author Peter Mitchell
Corporate Plan Output: Legal Advice	

As Councillors will now be aware, Councillor Fahey resigned as a Councillor on Wednesday 15 December 1999.

Accordingly an extraordinary vacancy has now been created on the Council.

The Local Government Act 1974 requires that the Council, after being notified of the vacancy, shall "...at its next ordinary meeting or, if that is not practicable, at its next subsequent ordinary meeting..." by resolution decide:

- (a) to hold an election to fill the vacancy; or
- (b) that the vacancy be filled by an appointment to be made by the Council "...of a person qualified to be elected to be a member thereof..."

Where the Council resolves to fill the vacancy by appointment, then it is required forthwith to give public notice of that resolution and 5% of the electors of the Shirley Ward then have 22 working days to demand that an election be held to fill the vacancy.

The Returning Officer advises that should the Council decide at its present meeting to hold a by-election to fill the vacancy, the following timetable will then apply under the relevant provisions of the Local Elections and Polls Act 1976:

Friday 7 January	Public notice of election and call for nominations
Friday 7 January	Public notice/roll open for public inspection
Friday 4 February	Nominations close
Friday 4 February	Roll closes 4.00pm
Tuesday 29 February	Roll comes into force
Friday 3 March- Wednesday 8 March	Delivery of voting papers

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Monday 6 March- Saturday 18 March	Progressive roll scrutiny
Saturday 18 March	Polling Day, voting closes 12 noon
Monday 20 March	Official Count starts
Approximately Wednesday 22 March	Public notice of results of official count

The Returning Officer also advises that because the by-election would be held on the same day as the poll on the proposed union with Banks Peninsula, there would be significant cost savings, which would reduce the cost of the by-election to approximately \$20,000.

Recommendation: That the Council decide at its present meeting how the extraordinary vacancy is to be filled.

CONSIDERED THIS 16TH DAY OF DECEMBER 1999

MAYOR