

1. REVIEW OF BASIS OF 2001 LOCAL BODY ELECTIONS

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1. INTRODUCTION

The purpose of this report is to draw to Councillors' attention the legal requirement to review, by 31 August 2000:

- (a) the basis upon which the 2001 elections are to be held for the Council; and
- (b) to review the elected membership of Community Boards.

Regarding (a), this review is separate from the work that the Council carried out in 1999 by appointing three commissioners to consider numbers of councillors and ward boundaries in relation to the proposed amalgamation with the Banks Peninsula District Council

2. BACKGROUND

By way of background to this electoral review, there are three matters which are relevant:

- (a) The Council's 1997 resolution which provided for the same electoral structure as present to be used for the 1998 election, was subject to an appeal to the Local Government Commission.

In its decision dated 27 March 1998 on that appeal the Commission noted that prior to the 2001 election the Council should make a thorough investigation of its existing wards to ascertain what changes should be made to the existing structure.

That thorough investigation was carried out last year by the three commissioners in the context of the amalgamation proposal. The statutory criteria for defining the boundaries and communities the commissioners were required to work within is the same as the Council is now required to consider with this electoral review.

- (b) In June 1999 the three commissioners presented to the Council a report entitled "Christchurch City Council – Community Areas and Wards : A Report on Future Options".

Regarding that part of the report dealing with wards in Christchurch City, the commissioners' recommendations were not accepted by the Council at its special meeting on 26 August 1999. The commissioners did make a number of recommendations regarding minor changes to community board boundaries and these have been referred to community boards for comment. It is anticipated the community boards' response will have been received by 30 June 2000.

- (c) In its Final Reorganisation Scheme dated 14 December 1999, the Local Government Commission adopted the existing ward structure of Christchurch City for that part of the new Council's proposed district.

The Final Scheme noted:

“The Commission considers that the membership structure of the Council and the provision for community boards will ensure effective representation for all communities in the new City.”

3. REVIEW OF COUNCIL MEMBERSHIP AND WARDS

Section 101H of the Local Government Act 1974 provides that the Council, not later than 31 August 2000, by resolution, must determine in a manner complying with section 101L of the Local Government Act:

- (a) Whether the Council (other than the Mayor) is proposed to be elected at large or by the electors of two or more wards;
- (b) If the election is at large, the proposed number of Councillors to be elected; or
- (c) If a ward system is proposed -
 - (i) The proposed name and boundaries of each ward; and
 - (ii) The number of members proposed to be elected by the electors of each ward.

With regard to membership of the Council, the Act provides that there must be at least six Councillors and no more than 30, including the Mayor.

In determining whether the Council is to be elected at large or by wards, and in determining the number and boundaries of wards, section 101L(2) requires that the Council must ensure:

“(a) That the election of members of the Council by the electors of the district as a whole or by the electors of the two or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and

- (b) *That ward boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and*
- (c) *That, so far as is practicable, ward boundaries coincide with community boundaries."*

Section 101L(3) provides that in determining the number of Councillors to be elected by the electors of any ward, the Council shall ensure that the electors of the ward *"receive fair representation having regard to the population of every ward within the district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various wards"*.

The former legal requirement that the population of each ward be not more or less than 10% of any other ward has been abolished.

Usually resident population figures as at the 31 March 1996 census for the existing 12 wards are:

Papanui Ward	27,246
Waimairi Ward	25,378
Burwood Ward	26,130
Fendalton Ward	26,380
Shirley Ward	24,815
Pegasus Ward	24,347
Wigram Ward	26,135
Riccarton Ward	26,715
Hagley Ward	24,557
Ferrymead Ward	26,442
Spreydon Ward	24,616
Heathcote Ward	26,267
Total Christchurch City	309,028

The Council's resolution relating to its membership and the basis of the 2001 election is publicly notified within 14 days of making the resolution and in that public notice the Council must specify:

- (a) The communities of interest considered by the Council as required by s.101L;
- (b) The ratio of population to proposed members for each proposed ward (if any) and the reasons for those proposals in terms of s.101L(3);
- (c) That any person can lodge an objection within one month of the public notice.

Where the resolution proposes any change to the basis of election, membership or ward boundaries which applied at the 1998 elections, the resolution must include an explanation of the reasons for the proposed change.

The Council must consider all objections within six weeks of the closing date for objections and can amend its proposals. The Council must then give a further public notice incorporating any amendments, the reasons for the amendments and for the rejection of any objections, and specifying the right of appeal.

Where the proposals have been amended there is a right of counter-objection. Any appeals or counter-objections must be lodged within one month of the second public notice.

The Council's proposals and any appeals and counter-objections are then forwarded to the Local Government Commission no later than 15 January 2001. The Commission is directed, before 29 March 2001, to make a decision on the Council's proposal, and on any appeals or counter-objections. The Commission's decision is final subject only to any appeal on a point of law.

If there are no objections to the Council's original proposal, or there are no appeals or counter-objections to any amended proposal, then the publicly notified proposal or amended proposal becomes the basis for the 2001 election.

4. **COMMUNITY BOARD MEMBERSHIP**

In addition to reviewing its own membership and basis for election, the Local Government Act requires the Council, not later than 31 August 2000:

- (a) To review the number of **elected** members of the Community boards; and
- (b) The Council may, with the consent of, or at the request of, a Community Board, by resolution, alter the number of elected members of a Community Board.

Therefore there must be agreement between the Council and the Community Board if there is to be any alteration in the number of elected community board members.

The legal requirements for elected members of Community Boards is no less than four and no more than 12. Councillors will recall that the number of **appointed** Councillor members of Community Boards cannot be more than half the number of elected members. As the current number of elected members for each community board is six, then the maximum number of appointed councillors is three.

This review of the number of **elected** members has no application to the number of appointed members. The number of appointed members will be a decision for the new Council after the 2001 election.

There is no public right of objection on appeal regarding the number of elected community board members.

Community boards have been requested to advise by 30 June 2000 whether they wish to have any change to their number of elected members. Boards have also been requested to advise whether there are any desired community boundary alterations. Although not technically part of this review, the Council has traditionally considered such alterations along with this review.

5. OPTIONS

Regarding a review process, the Council has two options:

1. Carry out an in-house review involving a special meeting of the Strategy and Resources Committee in July where the matters referred to above can be considered in greater detail.
2. Call for public submissions in relation to paragraph 3 above concerning the number of councillors, wards and ward boundaries.

Regarding option 2, I believe that given the extensive work done by the commissioners less than a year ago, and the fact they held public hearings in relation to the same matters that the Council now has to consider by 31 August, that the Council could fairly carry out an in-house review by the Strategy and Resources Committee considering the matters in paragraph 2 above. That in-house review would include consideration of:

- (a) the statutory criteria in ss.101H and 101L the Local Government Act;
- (b) the Local Government Commission's 1998 decision on this topic;
- (c) the 1999 report prepared by the commissioners;
- (d) the Commission's 1999 Final Reorganisation Scheme
- (e) such other matters as the Committee considers relevant.

The Committee would make a recommendation to the Council on this matter, any proposed change to the number of elected community board members and any alterations to community boundaries.

I note that the public still has a right to object to the Council resolution proposing the number of councillors, and the number and boundaries of proposed wards.

The Chairman commented:

I concur with the view of the Legal Services Manager that there is no need to repeat the detailed study and consultation carried out last year.

Recommendation: That the Strategy and Resources Committee consider the options in relation to the review for the 2001 Council elections at a special meeting to be held in July 2000.