



26. 7. 2001

## REPORT OF THE CITY MANAGER

### 1. RESIGNATION OF COUNCILLOR CHARLES MANNING

The Legal Services Manager reports:

On Tuesday 17 July 2001 Councillor Charles Manning gave notice of his resignation as a City Councillor as a consequence of his recent appointment as a Commissioner of the Environment Court.

The Local Government Act 1974 provides that every such notice takes effect on the day that it is delivered to the Council and consequently there is now an extraordinary vacancy on the Council.

The Act requires that where an extraordinary vacancy has occurred in the office of a Councillor, then the Council shall, at its next ordinary meeting, by resolution decide:

- (a) That an election be held to fill the vacancy; or
- (b) That the vacancy be filled by appointment by the Council of a person qualified to be elected as a Councillor; or
- (c) That where the vacancy occurs within 6 months before the date fixed for the next triennial general election, that the vacancy not be filled.

The date of the next triennial general election is Saturday 13 October 2001 and consequently the Council is within the 6-month period referred to in (c) above, so that the Council does have the ability to resolve, if it wishes to do so, that the vacancy caused by Councillor Manning's resignation not be filled.

Another consequence of Councillor Manning's resignation is that there is no longer a chairperson of the Resource Management Committee. Councillor Wells is the deputy chairperson of that committee and the Local Government Act provides that if the chairperson of a committee is absent, then the deputy chairperson of the committee shall preside and may exercise at meetings, all the functions, duties and powers of the chairperson.

It is an option for the Council to appoint another Councillor as the chairperson of the Committee for the remainder of this term of the Council. If the Council chose not to make such an appointment then Councillor Wells would continue to act as deputy chairperson for the remainder of the term.

A further consequence of the resignation is that there is now a vacancy of an appointed member on the Hagley/Ferrymead Community Board. It would be an option for the Council to appoint Councillor Crighton, who is not currently a member of the Board, as an appointed member to that Board for the remainder of the Council term.

In summary:

- (i) The Council must decide in terms of (a), (b) or (c) above;
- (ii) The Council may appoint a replacement chairperson for Councillor Manning on the Resource Management Committee;
- (iii) The Council may appoint Councillor Crighton to fill the vacancy as a member of the Hagley/Ferrymead Community Board.

The Chairperson of the Strategy and Resources Committee recommends:

- 1. That, in view of the imminent election, the Council resolve that the vacancy not be filled.
- 2. That Councillor Wells be appointed Chairperson of the Resource Management Committee.
- 3. That Councillor Crighton be appointed as a member of the Hagley/Ferrymead Community Board.

**CONSIDERED THIS 26TH DAY OF JULY 2001**

**MAYOR**