HAGLEY/FERRYMEAD COMMUNITY BOARD AGENDA

3 NOVEMBER 2010

AT 3PM

IN THE BOARDROOM, LINWOOD SERVICE CENTRE, 180 SMITH STREET, LINWOOD

Community Board: Tim Carter, David Cox, Yani Johanson, Brenda Lowe-Johnson, Islay McLeod, Nathan Ryan and Bob Todd.

Community Board Adviser:
Jo Daly
Phone: 941 6601 DDI
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PART A - MATTERS REQUIRING A COUNCIL DECISION
PART B - REPORTS FOR INFORMATION
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1. WELCOME

The Community Board Adviser, (Jo Daly), representing the Chief Executive in the Chair.

2. APOLOGIES

3. ORAL DECLARATION BY MEMBERS ATTESTED IN THE PRESENCE OF THE DEMOCRACY SERVICES MANAGER REPRESENTING THE CHIEF EXECUTIVE

Sample **attached**.

4. ELECTION OF CHAIRPERSON

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941 8462
Officer responsible:	Legal Services Manager
Author:	Chris Gilbert, Legal Services Manager

PURPOSE OF REPORT

1. The purpose of this report is to explain the process for Community Boards to elect their Chairpersons and Deputy Chairpersons, as required by the Local Government Act 2002.

EXECUTIVE SUMMARY

2. The Act prescribes the processes by which Community Boards must elect their Chairpersons and Deputy Chairpersons, which is the same as the process the Council must use to elect the Deputy Mayor. This report describes the alternative processes available, one of which must be adopted.

FINANCIAL IMPLICATIONS

3. Not applicable.

DO THE RECOMMENDATIONS OF THIS REPORT ALIGN WITH 2006-16 LTCCP BUDGETS?

4. Not applicable.

LEGAL CONSIDERATIONS

Introduction

5. Section 54 of the Local Government Act 2002 specifies that the provisions of Schedule 7 of the Act apply to Community Boards (with some minor exclusions), with necessary modifications as if the Boards were local authorities. Schedule 7 requires that each Community Board, at its first meeting, must elect one of its members to be its Chairperson and another to be Deputy Chairperson (see clauses 17, 21 and 37 of Schedule 7 of the Act).

6. The manner in which a Community Board is to elect these positions is prescribed in clause 25 of Schedule 7. It provides that the Community Board must determine by resolution that the Chairperson and Deputy Chairperson be elected or appointed by using one of the following systems of voting:

"System A—

(a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and

(b) has the following characteristics:

(i) there is a first round of voting for all candidates; and

(ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and

(iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and

(iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

4 Cont'd

System B—

(a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and

(b) has the following characteristics:

(i) there is only 1 round of voting; and

(ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot."

7. In simpler terms, under System A a candidate is successful if he or she receives the votes of the majority of the members of the Community Board present and voting. If no candidate is successful in the first round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded. If no candidate is successful in the second round there is a third and if necessary subsequent round of voting from which each time the candidate with the fewest number of votes in the previous round is excluded until a candidate is successful. In any round of voting if two or more candidates tie for the lowest number of votes the person to be excluded from the next round is resolved by lot.

8. System B is first past the post except that a tie for the most votes is resolved by lot.

Practical application of clause 25

9. Each Community Board must first determine, by resolution, which system of voting it will use, that is System A or System B.

10. Nominations for the position of Chairperson and Deputy Chairperson are called for.

11. If there is only one candidate then the Community Board may resolve that that person be elected.

12.. If there is more than one candidate the Community Board must then put the matter to a vote according to the system it has adopted. The Community Board members are then asked to vote on each candidate.

13. The following examples may be useful to illustrate two of the systems:

<u>System A</u>

Example 1

Three nominations are received and upon the votes being counted the result is:
A (4) B (2) C (1). In this case A is elected to the relevant position.

Example 2

Three nominations are received and upon the votes being counted the result is:
A (3) B (3) C (1). In this case no candidate is successful so a second round of voting is held for candidates A and B. The lowest polling candidate, C, is excluded.

Upon the votes being counted in the second round the result is:
A (4) B (3). In this case A is elected to the relevant position.

4 Cont'd

System B

Example 1

Three nominations are received and upon the votes being counted the result is:
A (4) B (2) C (1). In this case A is elected to the relevant position.

Example 2

Three nominations are received and upon the votes being counted the result is:
A (3) B (3). In this case a lot is held to determine who between A and B will be elected to the relevant position.

HAVE YOU CONSIDERED THE LEGAL IMPLICATIONS OF THE ISSUE UNDER CONSIDERATION?

14. This report covers the obligations as prescribed in Schedule 7 of the LGA 2002.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. Not applicable.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

16. Not applicable.

ALIGNMENT WITH STRATEGIES

17. Not applicable.

Do the recommendations align with the Council's strategies?

18. Not applicable.

CONSULTATION FULFILMENT

19. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Community Board:

(a) Receive this report.

(b) Adopt by resolution, which system of voting it will use to elect a Chairperson and Deputy Chairperson, that is System A or System B.

(c) Proceed to elect a Chairperson and Deputy Chairperson.

5. ORAL DECLARATION BY THE CHAIRPERSON ATTESTED IN THE PRESENCE OF THE DEMOCRACY SERVICES MANAGER REPRESENTING THE CHIEF EXECUTIVE

(Chairperson then assumes the Chair.)

6. ELECTION OF DEPUTY CHAIRPERSON

(a) Refer to report as in Clause 4 above.

(b) Election of Deputy Chairperson.

7. EXPLANATION OF STATUTORY REQUIREMENTS

General Manager responsible:	General Manager Regulation Democracy Services, DDI 941 8462
Officer responsible:	Legal Services Manager
Author:	Chris Gilbert Legal Services Manager

PURPOSE OF REPORT

1. The purpose of this report is to provide the general explanation of various statutes as required by the Local Government Act 2002.

EXECUTIVE SUMMARY

2. The Local Government Act 2002 requires that at the first meeting of each Community Board following the triennial general election a general explanation must be given of the Local Government Official Information and Meetings Act 1987 and appropriate provisions of:

   (a) the Local Authorities (Members' Interests) Act 1968;
   (b) sections 99, 105 and 105A of the Crimes Act 1961;
   (c) Secret Commissions Act 1910; and
   (d) the Securities Act 1978.

FINANCIAL IMPLICATIONS

3. Not applicable.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

4. Not applicable.

LEGAL CONSIDERATIONS

5. **LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987**

   (a) **General Principle**

   The stated purpose of this Act is to make official information held by local authorities (which includes the Community Boards) more freely available, to provide for access to that information, to provide for admission to meetings of local authorities and to protect official information held by local authorities consistent with the public interest and preservation of personal privacy.

   The Act is very broad. It does not define the word "information". It sees official information as any item of information held by a local authority. So official information is not limited to documents letters, reports, memoranda or files but includes electronic/digital data, sound tapes, video tapes, computer tapes and discs, maps, films, photographs and plans.

   The heart of the Act is contained in the "principle of availability" set out in Section 5 of the Act: "The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act **and the principle that the information shall be made available unless there is good reason for withholding it**."

   The fundamental principle of the Act is that information must be made available unless there is "good reason" under the Act to withhold it.

7 Cont'd

(b) **Requests**

Anyone can make a request for official information. If the information sought is not held by the Council or a Council officer believes the request to be more closely connected with another organisation then the officer must, within 10 working days transfer the request to the other organisation. Where the Council holds the information a decision on whether to release the information must be made within 20 working days of receipt of a request. Charges may be made for supplying information. Where the information sought is large or consultations necessary for a proper response are needed then the Chief Executive or an authorised officer may extend the time limit for a "reasonable period". The requester must be told the period of extension, the reasons for the extension and the fact that the extension can be referred to the Ombudsman.

Every request must be dealt with on its merits and a decision whether to refuse is made on the circumstances of each case. Generally, where the information is released then it must be released in the manner requested.

(c) **Refusals**

In considering a refusal of a request for official information the Act places the responsibility on the Chief Executive or an officer authorised by him. While the statutory responsibility is placed on the Chief Executive that officer is not prevented from consulting the Council or any other person in relation to a decision to refuse. The Chief Executive may delegate the responsibility to release or refusal to an officer. At present that delegation is held by the Legal Services Manager.

The Act sets out approximately 25 "good reasons" why official information can be refused. If the grounds for refusal do not fall within one of these "good reasons" the information **must** be released. "Good reasons" include:

(a) protecting the privacy of natural persons;
(b) maintaining the effective conduct of public affairs through free and frank expressions of opinions by or between elected members and officers;
(c) enabling a local authority to carry out, without prejudice or disadvantage, commercial activities;
(d) enabling a local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); and
(e) to maintain legal professional privilege.

All of the reasons outlined above are subject to a "public interest" test, ie even if the information sought falls within one of the refusal categories it must be released where the withholding of the information is outweighed by other considerations rendering it desirable in the public interest that the information be released.

The Act also contains a number of administrative grounds as to why a request can be refused. These include the fact:

(a) the information is or will soon be publicly available;
(b) the information requested cannot be made available without substantial collation and research.

If a request is refused the Council must give the requester:

(a) the reason for its refusal;
(b) the grounds in support of that refusal; and advice as to the right to apply to the Ombudsman to seek a review of the refusal.

7 Cont'd

(d) **Ombudsman's Investigation**

Under the Act the Ombudsman can investigate any refusal by the Council to provide information and can investigate the charges made by the Council.

If the matter cannot be resolved during the investigation the Ombudsman may make a recommendation to the Council. The Council is under a public duty to observe that recommendation unless, within 21 working days of receiving the recommendation, it resolves not to accept it.

A decision not to accept an Ombudsman's recommendation must be notified to the applicant and the Ombudsman and published in the New Zealand Gazette together with the Council's reasons for its decision. The applicant may apply to the High Court for a review of the Council's decision. Whatever the result of the High Court hearing, the applicant's legal costs must be paid by the Council unless the Court is satisfied the application was not reasonably or properly brought.

(e) **Other Rights of Access**

The Act also gives every person a right of access to any document, including manuals which the Council holds containing policies, rules, or guidelines by which decisions or recommendations are made. There are limited rights of refusal available to the Council. Section 22 of the Act provides that where the Council makes a decision or recommendation in respect of any person in that person's personal capacity, that person has the right on request to have within a reasonable time a written statement from the Council of:

(a) the findings on material issues of fact;
(b) a reference to the information on which the findings were based; and
(c) the reasons for the decision or recommendation.

(f) **Access to Meetings**

The Act provides that the public and media have a right of access to all meetings of the Council, committees, sub-committees (with power to act) and Community Boards unless the meeting resolves to exclude the public. Copies of meeting agendas must be available for the public and the media.

The grounds for excluding the public and the media from a meeting can only be those provided in the Act and essentially are the same grounds as for withholding official information. A motion to exclude must state the subject matter of the "non-public" matter and the specific reason provided in the Act.

Even where a meeting has resolved to exclude the public a person can request a copy of the minutes of the meeting and that request must be treated in the same way as a request for official information and subject to review by an Ombudsman.

(g) **Order Papers**

Order papers for meetings must be publicly available at least two working days before the meeting. Generally, supplementary reports cannot be dealt with unless agreed to by the meeting and unless the Chairperson explains why the report was not in the order paper and why the subject cannot wait until the next meeting.

(h**) Order at Meetings**

Section 50 of the Act provides that the Chairperson of a meeting may require a member of the public to leave the meeting if the Chairperson believes on reasonable grounds that person's behaviour is "likely to prejudice or continue to prejudice" the orderly conduct of the meeting.

7 Cont'd

The Chairperson may call on a police constable or Council officer to remove a person from the meeting.

(i) **Qualified Privilege**

Sections 52 and 53 of the Act provide **that written or oral** statements on any matter before a meeting of the Council, Committee or Community Board are privileged unless the statement is proved to be motivated by ill will. This type of privilege is known as qualified privilege.

Qualified privilege is a protection afforded by the law on certain occasions to a person acting in good faith and without any improper motive who makes a statement defamatory about another person. It is established law that meetings of local authorities are privileged occasions. This would now include Community Boards. The reason given by the Courts is that those who represent local government electors should be able to speak freely on any matter they believe affects the interests of their residents. The situation regarding statements made outside a formal meeting is not so clear. Certainly the statutory protection of sections 52 and 53 would not necessarily extend outside a meeting. What is required for qualified privilege to apply is a positive belief in the truth of what is said, and that there is no suggestion of personal spite or ill-will by the maker.

6. **LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968**

This Act contains provisions relating to contracts between elected members and the Council and provisions relating to elected members voting on matters where they have a pecuniary interest.

(a) **Contracts**

The Act provides that no person can be an elected member if the total of all contract payments made or to be made by the Council in which that person is "concerned or interested" exceeds $25,000 in any financial year. Contracts include sub-contracts.

There are provisions regarding contracts between the Council and a company in which an elected member or spouse has an interest. Generally, a person will be concerned or interested in a contract where that person or spouse holds 10 per cent of the issued capital of the company or a controlling company, or the member or spouse is a shareholder and is either a managing director or general manager.

Certain exclusions are provided for such as where the member and spouse are living apart, or the member did not know and had no reasonable opportunity of knowing the spouse was a shareholder and managing director or general manager. The limit of $25,000 may be extended by the Audit Office in special cases. Such approval can be given retrospectively.

Provision is made for contracts entered into by the Council before an election and for continuing contracts. If a person breaches the $25,000 limit that person is disqualified from holding office and an extraordinary vacancy arises. The disqualification remains until the next triennial election. Where a disqualified person acts as a member an offence is committed with a maximum fine of $200.

(b) **Pecuniary Interest**

The Act provides that no elected member shall vote on or take part in the discussion of any matter in which that person has, directly or indirectly, any "pecuniary interest" other than an interest in common with the public.

7 Cont'd

The prohibition applies where the member's spouse has a pecuniary interest and where the member or spouse holds 10 per cent or more of the shares in a company or a controlling company which has a pecuniary interest, or either person is a shareholder and is managing director or general manager of the company. Members who are prohibited under the Act from voting on or discussing a matter are under a duty to declare to the meeting their pecuniary interest and their abstention from discussion or voting must be recorded in the minutes.

The prohibition against discussing or voting on a matter does not apply in certain situations, such as:

(a) members' remuneration where the maximum rate has already been fixed;
(b) election or appointment of any member to a Council, or Community Board, office notwithstanding that remuneration is payable; and
(c) the preparation, approval, or review of a district scheme or district plan, unless the matter relates to any variation or change or departure from a district scheme or district plan or to the conditional use of land.

The Audit Office has the power to declare that the prohibition shall not apply in respect of any particular matter if the Office is satisfied the prohibition would impede the business of the Council or that it is in the interest of the electors that the prohibition not apply. Any member who contravenes the prohibition commits an offence liable to a fine of $100. Upon conviction the member vacates office and an extraordinary vacancy is created.

7. **SECTIONS 99, 105 AND 105A CRIMES ACT 1961**

(a) **Section 99**

Section 99 defines, for the purposes of the Crimes Act 1961, an "official" as any member or employee of any local authority. Member here would include a Community Board member.

(b) **Section 105**

Section 105 provides that it is an offence punishable by seven years' imprisonment for an "official" to corruptly accept or obtain, or to attempt to obtain, any bribe in respect of anything done or omitted to be done by the official in an official capacity. A person making or attempting to make the bribe is liable to three years' imprisonment.

(c) **Section 105A**

Section 105A provides that every official is liable to seven years' imprisonment who corruptly uses any information acquired in an official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for the official or any other person.

8. **SECRET COMMISSIONS ACT 1910**

This Act puts in legislation the principle that a person holding a position of trust, such as elected members, should not make a profit through their office. The Act provides that elected members and officers are "agents" of the Council and that every agent commits an offence who corruptly accepts or obtains or solicits, for themselves or any other person, any gift or other consideration as an inducement or reward for doing or not doing any act in relation to the Council's affairs, or for having shown favour or disfavour to any person in relation to the Council's affairs.

Any agent who diverts, obstructs or interferes with the proper course of the Council's business, or fails to use due diligence in the prosecution of such business with intent to obtain for themselves or any other person any gift or other consideration shall be deemed to have corruptly solicited a consideration. While "gift" is not defined, "consideration" is. It includes discounts, commissions, rebates, bonuses, deductions, percentages, employment and money (including loans). Generally, trade practices or customary gifts do not constitute a defence to a charge under the Act.

7 Cont'd

Section 5 of the Act provides that the agent, who makes a contract on behalf of the Council must disclose to the Council any pecuniary interest in the contract. This provision is similar to that contained in the Local Authorities (Members' Interests) Act 1968. Also, it is an offence to advise the Council with intent to induce it to enter into a contract with a third person, and receive any gift or consideration from the third person, without disclosing to the Council the fact of payment. Upon conviction for any offence under the Act an agent is liable to a maximum fine of $2,000 or two years' imprisonment and would vacate their office.

9. **SECURITIES ACT 1978**

The Securities Act 1978 imposes on entities (including local authorities) which solicit funds from the public an obligation to prepare, register and distribute a prospectus and an accompanying investment statement. However, this is only required where there is "an offer of securities to the public". Offers of securities to financial institutions on a wholesale basis, or to "habitual investors", are expressly excluded from the ambit of the term "offer of securities to the public". Therefore, there are no Securities Act implications where the Council borrows from institutions on a wholesale basis. This is generally the case even if the institutions on-sell the stock to members of the public. If the Council ever decides to venture into the area of retail fund-raising, it will have to comply with the requirements of the Securities Act.

Have you considered the legal implications of the issue under consideration?

10. Not applicable.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Not applicable.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

12. Not applicable.

ALIGNMENT WITH STRATEGIES

13. Not applicable.

Do the recommendations align with the Council's strategies?

14. Not applicable.

CONSULTATION FULFILMENT

15. Not applicable.

STAFF RECOMMENDATION

It is recommended that this report be received.

8. REPORT OF THE ELECTORAL OFFICER - TRIENNIAL ELECTIONS – 9 OCTOBER 2010

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941 8462
Officer responsible:	Electoral Officer
Author:	Clare Sullivan, Electoral Officer

PURPOSE OF REPORT

1. The purpose of the report is to report the outcome of the Triennial Elections for the Christchurch City Council of 9 October 2010.

Successful Candidates

2. The following candidates were declared elected at the 2010 Christchurch City elections:

MAYOR PARKER, Bob (A Positive Future)

COUNCILLORS

Banks Peninsula Ward REID, Claudia (Independent - Working for Us)

Burwood/Pegasus Ward WILLIAMS, Chrissie (The People's Choice: Labour for 2021)
LIVINGSTONE, Glenn (The People's Choice: Labour for 2021)

Fendalton/Waimairi Ward GOUGH, Jamie (Independent Citizens)
BUCK, Sally (Experienced, Enthusiastic, Energetic Independent)

Hagley/Ferrymead Ward JOHANSON, Yani (The People's Choice: Labour for 2021)
CARTER, Tim Maurice Philip (Independent)

Riccarton/Wigram Ward CHEN, Jimmy (The People's Choice: Labour for 2021)
BROUGHTON, Helen (Independent Citizens)

Shirley/Papanui Ward KEOWN, Aaron (City Vision)
BUTTON, Ngaire (Independent Citizens)

Spreydon/Heathcote Ward WELLS, Sue (Independent)
CORBETT, Barry (Independent)

COMMUNITY BOARDS

Akaroa/Wairewa **(Akaroa Subdivision):**
HICKEY, Leigh } Elected
RICHARDSON, Pamela Joan (Independent) } unopposed

(Wairewa Subdivision):
MILLER, Stewart (Independent)
MORGAN, Bryan (Independent)

Burwood/Pegasus EAST, David (Independent)
SINTES, Tim (Independent)
BAKER, Tim (The People's Choice: Labour for 2021)
GORMAN, Julie (The People's Choice: 2021)
STEWART, Linda (The People's Choice: Independent for 2021)

Fendalton/Waimairi CARTER, Val (Independent Citizens)
BURKE, Faimeh (Independent)
CARTWRIGHT, David (Independent Citizens)
COLLEY, Cheryl (Independent Citizens)
HALSTEAD, David

8 Cont'd

Hagley/Ferrymead	MCLEOD, Islay (The People's Choice: 2021) LOWE-JOHNSON, Brenda (The People's Choice: Labour for 2021) COX, David (Independent) TODD, Bob (The People's Choice) RYAN, Nathan
Lyttelton/Mount Herbert	SMITH, Paula (Independent) TURNER, Andrew (Independent) JOLLIFFE, Ann (Independent) AGAR, Jeremy TE PATU, Adrian
Riccarton/Wigram	MORA, Mike (The People's Choice: Labour for 2021) LALOLI, Peter (Independent Citizens) JOHNSON, Sam (Independent Citizens) KIRK, Judy (The People's Choice: Labour for 2021) GANDA, Ishwar (The People's Choice: Labour for 2021)
Shirley/Papanui	CONDON, Kathy MENE, Chris COTTER, Pauline (The People's Choice: Labour for 2021) BUTTON, Anna (Independent Citizens) ENGLISH, Chris (Independent Citizens)
Spreydon/Heathcote	CLEARWATER, Phil (The People's Choice: 2021) SCANDRETT, Tim (The People's Choice: Independent for 2021) POTTER, Karolin (The People's Choice: 2021) THORLEY, Mike (Independent) MCMAHON, Paul (The People's Choice: Labour for 2021)

EXTRAORDINARY VACANCY – AKAROA/WAIREWA COMMUNITY BOARD

3. As only two nominations were received for the three positions to be filled, Leigh Hickey and Pam Richardson were declared elected as Akaroa members of the Akaroa/Wairewa Community Board, with effect from polling day.

4. Nominations will be called shortly for the resulting extraordinary vacancy. If more than one nomination is received, an election will be held in February 2010.

ELECTORAL ROLLS

Residential Electors

5. The residential electoral rolls used for local authority elections are drawn from the Parliamentary rolls, utilising data supplied to each local authority by the Electoral Enrolment Centre in Wellington. The Electoral Enrolment Centre undertook a national campaign earlier this year to ensure that the rolls were as up to date as possible for the local body elections, sending individual letters to each elector to ensure that their details were correct, and encouraging the enrolment of other persons not previously enrolled.

8 Cont'd

6. As at 20 August 2010 (when the roll closed) the number of residential electors enrolled in each ward was:

Banks Peninsula Ward	-	7,003
Burwood/Pegasus Ward	-	42,586
Fendalton/Waimairi Ward	-	42,538
Hagley/Ferrymead Ward	-	39,104
Riccarton/Wigram Ward	-	42,143
Shirley/Papanui Ward	-	42,146
Spreydon/Heathcote Ward	-	40,079
		255,599

7. This represents an increase of 4,426 in the number of electors on the residential electors' roll for the 2007 elections.

Ratepayer Electors

8. The franchise also extends to:

- Persons owning property in the city, but residing elsewhere;
- Corporate bodies (who are entitled to appoint a "nominal occupier");
- Persons living within the city who own other city property in other communities elsewhere to their place of residence (electors in this category being entitled to claim additional Community Board votes only).

9. Persons and organisations in this category must make application for enrolment. If on the ratepayer roll then they are automatically sent voting documents. 1035 persons were enrolled as non-resident ratepayer electors for this year's elections.

INFORMAL VOTES/BLANK VOTES

10. In some cases, votes cannot be counted because:

(a) The voter's intention is unclear (classed as informal votes); or

(b) The voter has left the issue completely blank.

11. Separate records were kept of votes which fell into either of the two foregoing categories. These statistics disclose that there were few truly informal votes.

12. In all cases, votes were allowed where the voter's intention was clear, notwithstanding that they had marked the voting document in a way which was different to that prescribed.

PROCESSING OF VOTING DOCUMENTS ON RECEIPT

13. I would like to thank the Council for allowing me to utilise the provisions of the Local Electoral Act 2001 permitting the processing of the voting documents throughout the voting period. It provided considerable logistical advantages in terms of getting an early result out.

14. I also need to thank New Zealand Post Ltd for offering space at their distribution centre in Orchard Road for the processing centre following the earthquake and Electionz.com for all their work in setting up the processing centre in a very short period of time and in processing the votes in such a timely manner. I would also like to thank Datamail who had to shift the final stage of production from Christchurch to Wellington.

8 Cont'd

ROLL SCRUTINY, PRELIMINARY COUNT AND OFFICIAL COUNT

15. This year, I engaged the same independent election services provider (electionz.com) as the former Electoral Officer had used, to undertake the following processes:

Roll Scrutiny

15.1 This process involves marking electors' names off the roll as the voting documents are returned, to ensure that no elector votes more than once (this could occur through, for instance, an elector exercising an ordinary vote and then also exercising a special vote). This part of the election process is carried out electronically, by "reading" the bar code shown on the returned voting document. This is done through the window of the return envelope, and the envelopes are not opened nor the voting documents extracted until after the roll scrutiny has been completed.

Preliminary and Official Counts

15.2. After the return envelopes had been put through the roll scrutiny process, they were then opened and the voting documents extracted. The votes cast were then recorded electronically.

15.3. A progress result (which included approximately 98 per cent of the votes) was released at 12.30pm on election day, with the final preliminary result being released at 7.53pm on election day. The declaration of the results of the official count was made on Thursday 14 October 2010.

15.4. All the candidates who were successful in the preliminary count were declared elected as a result of the official count.

SPECIAL VOTES

16. Special voting documents and accompanying special voting declarations were issued to 1,682 persons. This was an increase of 320 votes on 2007. Of these, 1,375 were completed and returned prior to the close of the voting period, with 1,194 being subsequently allowed and included in the official count. Special voting was available at 53 Hereford Street, the Shirley Service Centre and on Saturday 9 October at the Akaroa Service Centre.

CHRISTCHURCH CITY VOTING STATISTICS

	1989	**1992**	**1995**	**1998**	**2001**	**2004**	**2007**	**2010**
Electors on Rolls	200,915	208,533	215,621	223,832	227,793	235,930	252,050	256,634
Voters	121,680	105,982	107,450	116,511	110,068	91,027	102,495	133,280
Percentage Voted	60.56%	50.82%	49.83%	52.05%	48.32%	38.6%	42.02%	52.58%

17. The percentage of electors returning voting documents again varied between wards, with a low of 48.64 per cent being recorded in the Hagley/Ferrymead Ward, compared with a high of 59.67 per cent in the Banks Peninsula Ward. The highest metropolitan ward was Fendalton/Waimairi with 54.32 per cent.

18. In early comparison with other metropolitan cities, Christchurch compares favourably. Dunedin's return was 52.49 per cent, Auckland's 50 per cent and Wellington 40 per cent.

19. Extensive national and local advertising was arranged through a variety of media, encouraging people to enrol and to vote for this year's elections.

8 Cont'd

20. A campaign encouraging citizens to participate and illustrating the importance of voting was put in place for this year's Christchurch elections, funded from the election budget. At this stage, as noted above, it appears that we have one of the highest turnouts for large metropolitan cities in New Zealand with 52.58 per cent (including special votes).

21. In addition to posters, newspaper articles, radio advertisements we also produced a pamphlet that was handed out to people in the major malls. Posters were also displayed at a number of medical centres and at doctor's surgeries at over 70 locations throughout the city

22. As Electoral Officer I took part in a number of interviews including local television, newspaper and radio which included an interview on Plains FM Samoan weekly programme Penina O Samoa. Information was also translated into several different languages. All the media releases were well picked up by local media.

COSTS

23. As many charges are not yet to hand, it will be some time yet before the final cost of the elections is known. Given the higher voter turnout there may be some increase in costs that are not yet known.

CONCLUSION

24. This year's elections will be closely scrutinised by a variety of agencies, including the Local Government Commission, the Department of Internal Affairs and Local Government New Zealand. It is probable that there will be some resulting changes in the relevant legislative provisions and administrative arrangements for future elections.

STAFF RECOMMENDATION

That the report be received.

9. APPOINTMENT OF COUNCILLORS AS MEMBERS OF COMMUNITY BOARDS

For information, members are advised that at its installation meeting on 22 October 2010, the Council resolved to appoint Councillors Tim Carter and Yani Johanson to the Hagley/Ferrymead Community Board for the 2010/13 term.

STAFF RECOMMENDATION

That the information be received.

10. FIRST ORDINARY MEETING OF THE BOARD

Clause 21, Schedule 7 of the Local Government Act 2002 requires that the Board at its first meeting after the triennial election shall inter alia, fix the date and time of the first ordinary meeting of the Board.

It is proposed that the Board next meet on Wednesday 17 November 2010 at 3pm in the Boardroom, Linwood Service Centre, Smith Street.

STAFF RECOMMENDATION

That the first ordinary meeting of the Hagley/Ferrymead Community Board be held on Wednesday 17 November 2010 at 3pm in the Boardroom, Linwood Service Centre, Smith Street.

11. NEW ZEALAND COMMUNITY BOARDS' EXECUTIVE COMMITTEE ELECTIONS – CALL FOR NOMINATIONS

General Manager responsible:	General Manager, Regulatory and Democracy Services, DDI 941 8462
Officer responsible:	Democracy Services Manager
Author:	Jo Daly, Community Board Adviser

PURPOSE OF REPORT

1. The purpose of this report is to advise that nominations are being called for the positions of Zone 5 Representative and Deputy, for the New Zealand Community Boards' Executive Committee. Nominations close on 15 December 2010 and any resulting elections are to be completed by the end of February 2011.

EXECUTIVE SUMMARY

2. Christchurch Community Boards are located in Zone 5 of Local Government New Zealand's areas of representation. Yvonne Palmer (former Chair and member of the Shirley/Papanui Community Board) is currently the Zone 5 Representative. Mike Mora is the current Zone 5 Deputy Representative.

3. The Executive Committee is made up of six representatives – one for each of the six geographic zones of member authorities throughout New Zealand and has the status of an advisory committee to the National Council of Local Government New Zealand.

4. The Executive Committee meets four times a year, usually in Wellington and its role involves:

    1. Providing advice to the National Council of Local Government New Zealand on all matters involving Community Boards.

    2. Liaising between Local Government New Zealand and Community Boards to gather information on issues and matters of national interest.

    3. Keeping National Council of Local Government New Zealand informed of current and future issues of concern to Community Boards that may have implications for local government generally.

    4. Advising on training needs of Community Boards and their members that might be included in a national capacity building strategy.

5. Supporting information setting out the guidelines for the conduct of the election is **attached**.

6. It is proposed that Community Board Chairs discuss the issue of Zone 5 representation at their first meeting in December 2010 with a view to agreeing on a Zone 5 Representative and Deputy, after receiving feedback from members of their respective Boards on this issue.

FINANCIAL IMPLICATIONS

7. From time to time there may be costs associated with travel and accommodation for attendance at Zone 5 meetings. These costs will be minimal and can be absorbed within the budgets for elected member representation as outlined on page 159 of the LTCCP.

8. Council funding is not required.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. Not applicable.

11 Cont'd

LEGAL CONSIDERATIONS

10 The Community Boards' Executive Committee is as an advisory body that:

Represents the interests of Community Boards through its role as advocate and leader. The staff recommendation requires the appointed representative to report back to the Board any actions taken under the delegated authority conferred.

Have you considered the legal implications of the issue under consideration?

11. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

12. Not applicable.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

13. Not applicable.

CONSULTATION FULFILMENT

14. Not applicable. This report is going to all Community Boards for consideration.

STAFF RECOMMENDATION

(a) That the Board Chairperson and Deputy Chairperson, or their nominees, be authorised to consider the opportunity provided for joining with another Christchurch Board(s) in nominating and/or seconding suitable member candidates for election to the positions of Zone 5 Representative, and Deputy, for the New Zealand Community Boards' Executive Committee.

(b) That the exercise of any such authorisation be reported to the Board for record purposes.