
ITEM 5
(1215/11/IM)

ELECTION OF DEPUTY MAYOR

1. Purpose of Report

The report calls for the election of a Deputy Mayor as required under statute.

2. Recommendations

It is recommended that Council:

- 1. Receive the information*
- 2. Agree the job description for the Deputy Mayor as set out in appendix one.*
- 3. Elect a Councillor as Deputy Mayor for the 2007/2010 triennium.*
- 4. Note that the Deputy Mayor may act as an ex officio member on committees and subcommittees in the absence of the Mayor with the Mayor's consent.*

3. Background

It is a requirement of Schedule 7 of the Local Government Act 2002 that Council elects a Deputy Mayor. This election must take place at the first meeting of the local authority following the triennial election (commonly know as the inaugural meeting). All councillors are eligible for election to the role and there are no requirements for formal nomination. The Mayor will call for nominations at the inaugural meeting of Council.

4. Discussion

4.1 Role of the Deputy Mayor

Clause 17 of Schedule 7 of the Local Government Act 2002 states that every territorial authority must elect one of its members to the office of Deputy Mayor.

Once elected the Deputy Mayor must perform all the responsibilities and duties, and may exercise all the powers, of the Mayor in the following circumstances:

- with the consent of the Mayor at any time during the temporary absence of the Mayor;

- without that consent, at any time while the Mayor is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers of the office; and while there is a vacancy in the office of the Mayor.

A full role description for the position of Deputy Mayor, derived from the Local Government Act 2002 and the Code of Conduct, is attached to this report as appendix 1.

4.1.1 Acting for the Mayor at subcommittee, committee and Council meetings

Under Standing Orders, in addition to being a member of Council, the Mayor is a member of every council subcommittee and committee. With the Mayor's consent, therefore, under clause 17 of Schedule 7 of the Local Government Act 2002, the Deputy Mayor may act in the Mayor's place at these meetings and may exercise all of the rights that the Mayor holds as a member.

In the absence of proof to the contrary, a Deputy Mayor acting as Mayor is presumed to have the authority to do so.

4.2 Method of Electing the Deputy Mayor

The method of voting used to elect a Deputy Mayor is the French Presidential Voting System. This open system of voting requires that the person to be elected or appointed receives the votes of a majority of the membership of Council present and voting. Where more than one round of voting is required, the least successful candidate in a round of voting shall not be a candidate in the next round of voting. Where there is an equality of votes and voting can proceed no further, the Council shall decide by lot. Under this system of voting, each member can cast only one 'aye' vote each round and there is no casting vote.

4.3 Power to Remove the Deputy Mayor

The term of office for the Deputy Mayor shall be for the duration of the 2007/2010 triennium. However, the Deputy Mayor may cease to hold the office in the following ways:

- By resigning as Deputy Mayor
- By resigning as a member of Council
- By a majority decision of Council
- By no longer being eligible for office.

5. Conclusion

Council is requested, in line with the Local Government Act 2002, to elect one of its members to the office of Deputy Mayor for the 2007/2010 triennium.

Contact Officer: *Michael Webster, City Secretary.*

Supporting Information

1) Strategic Fit / Strategic Outcome

This project supports Outcome 7.2.B – More actively engaged: Wellington will operate an open and honest decision making process that generates confidence and trust in the democratic system.

2) LTCCP/Annual Plan reference and long term financial impact

The project relates to C534: Elections, Governance and Democratic Process.

3) Treaty of Waitangi considerations

Not applicable

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

Not applicable

b) Consultation with Maori

Not applicable

6) Legal Implications

This report is consistent with the provisions of the Local Government Act 2002.

7) Consistency with existing policy

This report is consistent with existing policy.

ROLE DESCRIPTION

Role Title:

Deputy Mayor of Wellington

Role of the Deputy Mayor:

The Deputy Mayor exercises the same roles as other elected members. Elected members are responsible for governance, including:

- the development and adoption of council policy
- monitoring the performance of the council against its stated objectives and policies
- prudent stewardship of council resources
- employment of the Chief Executive

Elected members are also responsible for representing the interests of the residents and ratepayers of the city.

If the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and exercise any powers of the Mayor (other than the role of Justice of the Peace).

In the absence of the Mayor, for the Council to successfully discharge its responsibilities and duties in support of its purpose, the Deputy Chair is empowered to perform the duties and responsibilities of the Mayor under Schedule 7, Clause 17(3)(4)(5) of the Local Government Act 2002:

- 3) The Deputy Mayor must perform all the responsibilities and duties, and may exercise all the powers, of the Mayor, -
 - a) With the consent of the Mayor at any time during the temporary absence of the Mayor;
 - b) Without that consent, at any time while the Mayor is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office;
 - c) While there is a vacancy in the office of the Mayor.

APPENDIX 1

- 4) In the absence of proof to the contrary, a Deputy Mayor acting as Mayor is presumed to have the authority to do so.
- 5) A Deputy Mayor continues to hold his or her office as Deputy Mayor, so long as he or she continues to be a member of the territorial authority, until the election of his or her successor.

When acting as Mayor, the additional responsibilities exercised by the Deputy Mayor shall include, but not be limited to, the following:

- Presiding at Council meetings and ensuring such meetings (including the business transacted at those meetings) are conducted in accordance with Standing Orders and any relevant legislation that may apply from time to time.
- Advocating on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and the support of the Council.
- To act as spokesperson for the council
- To act as the ceremonial head of council
- To provide leadership and feedback to other elected members on teamwork and chairing of subordinate decision making bodies.