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**REPORT 2**  
*(1215/11/IM)*

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## **ELECTION OF A DEPUTY MAYOR**

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### **1. Purpose of Report**

This report calls for the Wellington City Council to elect a Deputy Mayor for the 2010/2013 triennium, as required under the Local Government Act 2002.

### **2. Recommendations**

Officers recommend that the Council:

- 1. Receive the information*
- 2. Agree the job description for the Deputy Mayor as set out in Appendix One of this report.*
- 3. Agree to elect a Councillor as Deputy Mayor of the Wellington City Council for the 2010/2013 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 the Council elects a Deputy Mayor at its first meeting (the Inaugural Meeting) following the triennial election.

All councillors are eligible for election as Deputy Mayor and there are no formal nomination requirements. The Mayor will call for nominations at the Inaugural Meeting of the Council.

## **4. Discussion**

### **4.1 Role of the Deputy Mayor**

Clause 17, 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; or,
- 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 is attached to this report as Appendix One.

### **4.2 Acting for the Mayor at Council, committee and subcommittee meetings**

Under Standing Orders, in addition to being the Chair of Council, the Mayor is an *ex officio* member of every Council committee and subcommittee. Therefore, with the Mayor's consent and under clause 17, 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, the Deputy Mayor acting as Mayor is presumed to have the authority to do so.

### **4.3 Method of Electing the Deputy Mayor**

Where there are multiple nominations, an election will be required under clause 25, Schedule 7 of the Act. The method of voting used by Wellington City Council is detailed as 'System A' in clause 25(3) of the Act, also called the French Presidential or Open Voting System.

The Act stipulates that 'System 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 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 two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

#### **4.4 Power to Remove the Deputy Mayor**

The term of office for the Deputy Mayor of the Wellington City Council shall be for the duration of the 2010/2013 triennium. However, a Deputy Mayor may terminate (or have terminated) their office by:

- Resigning as Deputy Mayor.
- A majority decision of the Council.
- A resolution of the Council.
- Being no longer eligible to hold office as a Councillor.

## **5. Conclusion**

In accordance with voting procedures and as required by the Local Government Act 2002, the Wellington City Council is called on to elect one of its members to the position of Deputy Mayor.

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## 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**

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

### **3) Treaty of Waitangi considerations**

*There are no particular Treaty of Waitangi considerations.*

### **4) Decision-Making**

*This report establishes a process for the election of Deputy Mayor of the Wellington City Council.*

### **5) Consultation**

#### **a) General Consultation**

*Council Officers will not be undertaking consultation in relation to this report.*

#### **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 clause 17(3)(4)(5) of Schedule 7 of the Local Government Act 2002:

- 17(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; or,*
  - (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; or,*
  - (c) While there is a vacancy in the office of the Mayor.*
- 17(4) In the absence of proof to the contrary, a Deputy Mayor acting as Mayor is presumed to have the authority to do so.*
- 17(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.*

# APPENDIX ONE

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.