

**REPORT 8**  
*1215/52/IM*

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## **PROPOSED RULE CHANGE TO THE LOCAL GOVERNMENT NEW ZEALAND CONSTITUTION**

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

To seek the Council's approval on a proposed change to Rule F15 of the Local Government New Zealand (LGNZ) Constitution to allow for the term of office of President of LGNZ to be changed from one to no more than two consecutive terms.

### **2. Recommendations**

It is recommended that the Committee:

- 1. Receive the information.*
- 2. Support the proposed change to Rule F15 of the Local Government New Zealand Constitution to change the current restriction on the term of office of the President from one to no more than two consecutive terms.*
- 3. Appoint the Mayor as the Council's presiding delegate at the Special General Meeting of Member Authorities to be held in Wellington on Friday 11 March 2005 and to exercise the Council's vote on the proposed change.*
- 4. Appoint the Vice President of Local Government New Zealand as the Council's proxy to vote on its behalf at the Special General Meeting in the event the Mayor is unable to attend the meeting.*

### **3. Background**

Local Government New Zealand (LGNZ) has received a request from one of its member councils for a review of Rule F15 of its Constitution in order to remove the restriction on a person standing for the office of President **for more than one consecutive term of office.**

At its meeting on 9 December 2004, the National Council of LGNZ agreed to initiate an alteration to its rules which would change the current restriction on the term of office of the President **from one to no more than two consecutive terms.**

The National Council has decided to hold a Special General Meeting to discuss and vote on this proposed change, rather than wait until the next scheduled Annual General Meeting in July 2005. If agreed to this will enable the change to take effect in time for the next Presidential Election, also scheduled at the next Annual General Meeting.

## 4. Discussion

### 4.1 Proposed rule change

The specific change being proposed is to Constitutional Article F15, which currently states:

*“No person may hold office as President for consecutive terms, provided that any person who holds office as President by virtue of an appointment in accordance with Rules F27 to F32 is eligible for re-election at the end of the unexpired term of office of that person’s predecessor.”*

Rules F27 to F32 cover the definition of an in-term vacancy in the office of President.

Under the proposed change, the first line of Rule F15 would now read:

*“No person may hold office as President for **more than two** consecutive terms.....”*

A concern has been expressed that the current rule which limits a person to only one consecutive term as President of LGNZ is inconsistent with the rules which apply to persons standing for Mayor and other public office (i.e. no restriction at all on the number of terms a person can serve). The argument is that a person should be eligible for re-election at the end of his or her term on the grounds that their continuation in that role will still be subject to an election and will require the support of the majority of members.

Although the current rule appears to have worked reasonably well over a number of years, without any apparent difficulties, it is perhaps timely for the one term restriction to be reviewed. However to change the rule so that there is no limit on the number of terms a person can hold office as President is not supported.

The proposed change which would allow a person to hold office as President for no more than two consecutive terms is a reasonable compromise.

### 4.2 Attendance of delegates

Rules G13 to G17 cover issues relating to delegates, including the entitlement of each council in terms of the number of delegates, the need to appoint a presiding delegate and the need for the Principal Administrative Officer (or the Mayor or Chair) of each member authority to forward to the Chief Executive of LGNZ the name and official position of the presiding delegate and any other detail. The term “delegate” includes both an elected member and an officer of a member authority.

There is no requirement for more than one delegate, (i.e. the presiding delegate), to attend on behalf of a member authority. It is therefore proposed that only the Mayor need attend this meeting.

In the event that a Council delegate cannot attend the meeting, the rules also allow the appointment of a proxy to vote on the Council's behalf. Although the Mayor is available and is scheduled to attend the meeting at this stage it is recommended that a proxy be appointed, to cast the Council's vote, in the event that the Mayor at the last minute is unable to attend for whatever reason. The Chief Executive of LGNZ has advised that it would substantially assist in the conduct of the Special General Meeting if councils appoint the Vice President of LGNZ as their proxy. It is therefore recommended that the Vice President be appointed as the Council's proxy and that written instruction be issued to the Vice President on how the Council's vote is to be cast.

## **5. Conclusion**

A Special General Meeting of LGNZ is to be held on 11 March 2005 to vote on a proposed change to Rule F15 of its constitution which, if agreed to, will allow a person to hold office as President for no more than two consecutive terms.

A decision is required as to whether the Council supports the proposed change to the Constitution and to appoint a presiding delegate to attend the Special General Meeting and to vote on the Council's behalf.

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## **Supporting Information**

### **1) Strategic Fit / Strategic Outcome**

*This supports the objective 9.2 City decision-making:  
People are encouraged to participate in the decision making of the city.*

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

*Relates to C534: Committee and Council process.*

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

*There are no Treaty implications.*

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

*This is not a significant decision.*

### **5) Consultation**

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

#### **b) Consultation with Maori**

*Not required.*

### **6) Legal Implications**

*There are no legal implications.*

### **7) Consistency with existing policy**

*This report is consistent with existing Wellington City Council policy.*