

Council Meeting (Extraordinary) - 8 July 2020

Held in the Council Chamber, Level 2, Philip Laing House
144 Rattray Street, Dunedin



Members:

Hon Marian Hobbs, Chairperson	Cr Gary Kelliher
Cr Michael Laws, Deputy Chairperson	Cr Kevin Malcolm
Cr Hilary Calvert	Cr Andrew Noone
Cr Michael Deaker	Cr Gretchen Robertson
Cr Alexa Forbes	Cr Bryan Scott
Cr Carmen Hope	Cr Kate Wilson

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Liz Spector, Committee Secretary

08 July 2020 09:00 AM

Agenda Topic	Page
1. APOLOGIES No apologies were received prior to publication of the agenda.	
2. ATTENDANCE Staff present will be identified.	
3. CONFIRMATION OF AGENDA Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
4. CONFLICT OF INTEREST Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.	
5. PUBLIC FORUM Requests to speak should be made to the Committee Secretary on 0800 474 082 or liz.spector@orc.govt.nz at least 24 hours prior to the meeting; however, this requirement may be waived by the Chairperson. No requests were received prior to publication of the agenda.	
6. MATTERS FOR COUNCIL DECISION	3
6.1 CONSIDER REMOVAL OF CHAIRPERSON	3
6.1.1 Attachment 1: Letter from Councillors requesting meeting to remove Chair	4
6.2 VOTING SYSTEM FOR ELECTION OF CHAIRPERSON	13
6.3 ELECTION OF CHAIRPERSON	15

6.3.1 [Attachment 1: Declaration Certificate](#)

16

7. CLOSURE

6.1. Consider removal of Chairperson

Prepared for:	Council
Report No.	GOV1926
Activity:	Governance Report
Author:	Liz Spector, Committee Secretary
Endorsed by:	Sarah Gardner, Chief Executive
Date:	8 July 2020

PURPOSE

- [1] To undertake the business outlined in the attached letter, namely, to consider removing from the Office of Chairperson of the Otago Regional Council, the Hon Marian Hobbs.

EXECUTIVE SUMMARY

- [2] *The Local Government Act 2002 Schedule 7, Part 1 (18) Power to remove chairperson, deputy chairperson, or deputy mayor, sets out the process that must be followed to remove the chairperson. This process has been followed.*
- [3] Standing Orders apply. The process by which members get to speak to the resolution is:
- chairperson to call for a mover and seconder
 - each councillor to have one opportunity to speak to the resolution (5 minutes maximum)
 - mover and seconder to have a right of reply (5 minutes maximum each)
 - chairperson to put motion
- [4] The resolution to remove the chairperson carries if a majority of the total membership of the regional council (excluding vacancies) votes in favour of the resolution to remove the chair. For the Otago Regional Council, a majority is seven members.

RECOMMENDATION

That the Council, as requested in the attached letter signed by nine councillors:

- 1) **Removes** the Hon. Marian Hobbs from the Office of Chairperson of the Otago Regional Council.

NEXT STEPS

Should the chairperson be removed from office, the deputy chairperson will assume the chair until a new chairperson is elected. The first order of business will be to decide which voting system will be chosen to elect a new chairperson, followed by nominations for and election of a new chair.

ATTACHMENTS

1. Formal letter from 9 councillors to remove Chairperson [6.1.1 - 9 pages]



Ms Sarah Gardner
Chief Executive
Otago Regional Council
70 Stafford St
Private Bag 1954
DUNEDIN 9054

Dear Sarah

Re: Removal of Chairperson Hon Marian Hobbs from Office of Chair of Otago Regional Council

The undersigned Councillor's, being elected members of the Otago Regional Council, wish to formally request a special meeting of Council for the purpose of removing from the office of Chair, the Hon Marian Hobbs. We request the meeting be held in Council chambers, Philip Laing House, Dunedin at 9am, Wednesday 8th July 2020. It is noted that other meetings are scheduled for this time, and request that these be delayed to enable the special meeting to proceed.

If the Chair is removed from office at this meeting, we advise that it is intended to elect a new chair at the meeting if a majority of the total membership of the Otago Regional Council so resolves.

Yours Sincerely

.....
.....

Cr Hilary Calvert

Cr Kevin Malcolm

15 June 2020

Ms Sarah Gardner
Chief Executive
Otago Regional Council
70 Stafford St
Private Bag 1954
DUNEDIN 9054

Dear Sarah

**Re: Removal of Chairperson Hon Marian Hobbs from
Office of Chair of Otago Regional Council**

The undersigned Councillor's, being elected members of the Otago Regional Council, wish to formally request a special meeting of Council for the purpose of removing from the office of Chair, the Hon Marian Hobbs. We request the meeting be held in Council chambers, Philip Laing House, Dunedin at 9am, Wednesday 8th July 2020. It is noted that other meetings are scheduled for this time, and request that these be delayed to enable the special meeting to proceed.

If the Chair is removed from office at this meeting, we advise that it is intended to elect a new chair at the meeting if a majority of the total membership of the Otago Regional Council so resolves.

Yours Sincerely

.....
.....
Cr Hilary Calvert

Cr Kevin Malcolm


.....
.....
Cr Michael Deaker

Cr Andrew Noone

.....
.....
Cr Alexa Forbes
Robertson

Cr Gretchen

15 June 2020

Ms Sarah Gardner
Chief Executive
Otago Regional Council
70 Stafford St
Private Bag 1954
DUNEDIN 9054

Dear Sarah

Re: Removal of Chairperson Hon Marian Hobbs from Office of Chair of Otago Regional Council

The undersigned Councillor's, being elected members of the Otago Regional Council, wish to formally request a special meeting of Council for the purpose of removing from the office of Chair, the Hon Marian Hobbs. We request the meeting be held in Council chambers, Philip Laing House, Dunedin at 9am, Wednesday 8th July 2020. It is noted that other meetings are scheduled for this time, and request that these be delayed to enable the special meeting to proceed.

If the Chair is removed from office at this meeting, we advise that it is intended to elect a new chair at the meeting if a majority of the total membership of the Otago Regional Council so resolves.

Yours Sincerely

.....
Cr Hilary Calvert

.....
Cr Kevin Malcolm

.....
Cr Michael Deaker

.....
Cr Andrew Noone

.....
Cr Alexa Forbes

.....
Cr Gretchen Robertson


.....
Cr Carmen Hope

.....
Cr Bryan Scott

.....
Cr Gary Kelliher

.....
Cr Kate Wilson

.....
Cr Michael Laws

15 June 2020

Ms Sarah Gardner
Chief Executive
Otago Regional Council
70 Stafford St
Private Bag 1954
DUNEDIN 9054

Dear Sarah

Re: Removal of Chairperson Hon Marian Hobbs from Office of Chair of Otago Regional Council

The undersigned Councillor's, being elected members of the Otago Regional Council, wish to formally request a special meeting of Council for the purpose of removing from the office of Chair, the Hon Marian Hobbs. We request the meeting be held in Council chambers, Philip Laing House, Dunedin at 9am, Wednesday 8th July 2020. It is noted that other meetings are scheduled for this time, and request that these be delayed to enable the special meeting to proceed.

If the Chair is removed from office at this meeting, we advise that it is intended to elect a new chair at the meeting if a majority of the total membership of the Otago Regional Council so resolves.

Yours Sincerely

.....
Cr Hilary Calvert

.....
Cr Kevin Malcolm

.....
Cr Michael Deaker

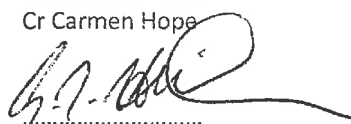
.....
Cr Andrew Noone

.....
Cr Alexa Forbes

.....
Cr Gretchen Robertson

.....
Cr Carmen Hope

.....
Cr Bryan Scott


.....
Cr Gary Kelliher

.....
Cr Kate Wilson

.....
Cr Michael Laws

Janice Coldicott

From: Jane Malcolm <jane.malcolm@windowslive.com>
Sent: Sunday, 14 June 2020 9:43 p.m.
To: springvaledowns679@gmail.com
Subject: Removal of Chair Letter

15 June 2020

Ms Sarah Gardner
Chief Executive
Otago Regional Council
70 Stafford St
Private Bag 1954
DUNEDIN 9054

Dear Sarah

Re: Removal of Chairperson Hon Marian Hobbs from Office of Chair of Otago Regional Council

The undersigned Councillors, being elected members of the Otago Regional Council, wish to formally request a special meeting of Council for the purpose of removing from the office of Chair, the Hon Marian Hobbs. We request the meeting be held in Council chambers, Philip Laing House, Dunedin at 9am, Wednesday 8th July 2020. It is noted that other meetings are scheduled for this time, and request that these be delayed to enable the special meeting to proceed.

If the Chair is removed from office at this meeting, we advise that it is intended to elect a new chair at the meeting if a majority of the total membership of the Otago Regional Council so resolves.

Yours Sincerely

.....
Cr Hilary Calvert

.....
Cr Michael Deaker

.....
Cr Gretchen Robertson

.....
Cr Carmen Hope

.....
Cr Gary Kelliker



.....
Cr Kevin Malcolm

.....
Cr Andrew Nuane

.....
Cr Kate Wilson

.....
Cr Michael Laws

15 June 2020

Ms Sarah Gardner
Chief Executive
Otago Regional Council
70 Stafford St
Private Bag 1954
DUNEDIN 9054

Dear Sarah

**Re: Removal of Chairperson Hon Marian Hobbs from
Office of Chair of Otago Regional Council**

The undersigned Councillor's, being elected members of the Otago Regional Council, wish to formally request a special meeting of Council for the purpose of removing from the office of Chair, the Hon Marian Hobbs. We request the meeting be held in Council chambers, Philip Laing House, Dunedin at 9am, Wednesday 8th July 2020. It is noted that other meetings are scheduled for this time, and request that these be delayed to enable the special meeting to proceed.

If the Chair is removed from office at this meeting, we advise that it is intended to elect a new chair at the meeting if a majority of the total membership of the Otago Regional Council so resolves.

Yours Sincerely

.....
.....
Cr Hilary Calvert

Cr Kevin Malcolm

.....
.....
Cr Michael Deaker


Cr Andrew Noone

15 June 2020

Ms Sarah Gardner
Chief Executive
Otago Regional Council
70 Stafford St
Private Bag 1954
DUNEDIN 9054

Dear Sarah

Re: Removal of Chairperson Hon Marian Hobbs from Office of Chair of Otago Regional Council

The undersigned Councillor's, being elected members of the Otago Regional Council, wish to formally request a special meeting of Council for the purpose of removing from the office of Chair, the Hon Marian Hobbs. We request the meeting be held in Council chambers, Philip Laing House, Dunedin at 9am, Wednesday 8th July 2020. It is noted that other meetings are scheduled for this time, and request that these be delayed to enable the special meeting to proceed.

If the Chair is removed from office at this meeting, we advise that it is intended to elect a new chair at the meeting if a majority of the total membership of the Otago Regional Council so resolves.

Yours Sincerely

.....
Cr Hilary Calvert

.....
Cr Kevin Malcolm

.....
Cr Michael Deaker

.....
Cr Andrew Noone

.....
Cr Alexa Forbes


.....
Cr Gretchen Robertson

.....
Cr Carmen Hope

.....
Cr Bryan Scott

.....
Cr Gary Kelliher

.....
Cr Kate Wilson

.....
Cr Michael Laws

15 June 2020

Ms Sarah Gardner
Chief Executive
Otago Regional Council
70 Stafford St
Private Bag 1954
DUNEDIN 9054

Dear Sarah

Re: Removal of Chairperson Hon Marian Hobbs from Office of Chair of Otago Regional Council

The undersigned Councillor's, being elected members of the Otago Regional Council, wish to formally request a special meeting of Council for the purpose of removing from the office of Chair, the Hon Marian Hobbs. We request the meeting be held in Council chambers, Philip Laing House, Dunedin at 9am, Wednesday 8th July 2020. It is noted that other meetings are scheduled for this time, and request that these be delayed to enable the special meeting to proceed.

If the Chair is removed from office at this meeting, we advise that it is intended to elect a new chair at the meeting if a majority of the total membership of the Otago Regional Council so resolves.

Yours Sincerely

.....
Cr Hilary Calvert

.....
Cr Kevin Malcolm

.....
Cr Michael Deaker

.....
Cr Andrew Noone

.....
Cr Gretchen Robertson


.....
Cr Kate Wilson

.....
Cr Carmen Hope

.....
Cr Michael Laws

.....
Cr Gary Kelliher

Monday, 15 June 2020

The Chief Executive
Dunedin Regional Council

Dear Ms Gardner,

I support the letter drafted by
C Kelliker seeking a formal
meeting of the ORC to resolve
C Marian Hobbs as chair of the
Dunedin Regional Council.

Yours sincerely,

C Michael Lawrie
Deputy Chair
36 The Dunes
Orewa 9310.

6.2. Voting System for Election of Chairperson

Prepared for: Council

Report No. GOV1924

Activity: Governance Report

Author: Liz Spector, Committee Secretary

Endorsed by: Sarah Gardner, Chief Executive

Date: 8 July 2020

PURPOSE

- [1] Should the chairperson be removed from office, this paper informs councillors of the two voting options for the election or appointment of the chairperson, as defined by *Schedule 7, Clause 25 of the Local Government Act 2002 (the Act)*.

EXECUTIVE SUMMARY

- [2] Clause 25 of the Act requires by resolution that a person be elected or appointed as chairperson of a regional council using one of the following systems of voting:

1. 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 two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

2. 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 two or more candidates tie for the most votes, the tie is resolved by lot.

- [3] The Council can choose either of the two voting systems described above.

RECOMMENDATION

That the Council:

- 1) **Resolves** a voting option for the election or appointment of chairperson, defined by the Local Government Act 2002, either:
 - a) Voting system A
 - or
 - b) Voting system B
- 2) **Agrees** that in the event of a tie between voting systems A and B, it will be resolved by lot as described in paragraph 5 of the report.
- 3) **Agrees** that in the event of a tie under voting system A, the candidate to be excluded from the next round of voting shall be resolved by lot as described in paragraph 5
- 4) **Agrees** that in the event of a tie under voting system B, the candidate to be elected or appointed shall be resolved by lot as described in paragraph 5 of the report.

DISCUSSION

- [4] The deputy chair will call for nominations for the voting systems and shall seek a mover and a seconder. Standing orders shall apply.
- [5] Both systems require a resolution by lot if two or more candidates receive an equal number of votes and no one else is elected. Consideration of the method of resolution by lot is required. It is recommended for names to be placed in a container with the name drawn out by an independent person excluded from the next round (under voting system A), or declared the winner (under voting system B).
- [6] If the nominated system is voted down and the alternative system has not been nominated, the deputy chairperson will call for nominations for that system. Once that system is moved and seconded, it shall be declared the winner. If neither system is resolved, the system will be determined by lot.

ATTACHMENTS

Nil

6.3. Election of Chairperson

Prepared for:	Council
Report No.	GOV1925
Activity:	Governance Report
Author:	Liz Spector, Committee Secretary
Endorsed by:	Sarah Gardner, Chief Executive
Date:	8 July 2020

PURPOSE

- [1] Should the chairperson be removed from office, and once a voting system has been agreed upon, the deputy chairperson will call for nominations for, and election of a chairperson.

EXECUTIVE SUMMARY

- [2] The deputy chairperson will call for nominations for the office of chairperson. In line with Standing Orders, a proposed process is set out below:
- a. Deputy chairperson to call for nominations
 - b. Each nomination to be moved and seconded
 - c. Each nominee will have up to 10 minutes to speak to their nomination
 - d. Each councillor will be able to ask one question of each nominee
 - e. Each mover and seconder will have a right of reply (up to 5 minutes)
 - f. The deputy chair shall then call a vote for the chairperson, in accordance with the system resolved in the previous item.
- [3] Once elected, the chairperson must make and attest to the declaration required under *Schedule 7, Clause 14 of the Local Government Act 2002*. After making the declaration, the newly elected chairperson shall take the chair for the rest of the meeting.



I, _____, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Otago region, the powers, authorities, and duties vested in, or imposed upon, me as Chairperson of the Otago Regional Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Dunedin this **8th day of July 2020**

Signature

**Signed in the presence of
Sarah Gardner, Chief Executive**