

Revised Recommendation



This motion has been prepared by the report author and replaces the Council Officer's recommendation which appears in the Council Agenda.

Report Title	Governance Rules Review 2022
Date of Council Meeting	31 May 2022

BACKGROUND

Following the publication of the agenda for the Council meeting on 31 May 2022, Council has received a legal opinion on a number of the reforms proposed. As a result of this advice, officers have reviewed the advice to Council and prepared a revised recommendation below. This revision is necessary because:

- A rule describing the two choices available to Council upon a Mayoral election that fails to achieve an absolute majority, that says Council “must” hold another election immediately, or schedule a time and date for another election would be inconsistent with section 25(5) of the Local Government Act 2020 (the Act). The use of the word “may” is preferred as it is consistent with the Act. Our advice is that this change does not alter the intent of the clause, because it is read to mean that Council “may” do either of the two things, but since it cannot do anything else, it “must” do one of them.
- A rule requiring Notices of Rescission to be carried by absolute majority, rather than a simple majority would be contrary to section 61(5)(c) of the Act.
- A rule requiring the Mayor to be physically present in order to chair a meeting (and stating that they chair if they are electronically present) would be contrary to section 61(3) of the Act.

REVISED RECOMMENDATION

Additional words shown as underlined

Deleted words shown in ~~strikethrough~~

1. That Council endorse the following Directions Papers for the purposes of community engagement:
 - (a) Directions Paper 1 – Mayoral Election subject to:
 - (i) replacement of the word “must” with “may” in the marked up rule 5.1.4;
 - (b) Directions Paper 2 – Urgent Business;
 - (c) Directions Paper 3 – Notices of Motion;
 - (d) Directions Paper 4 – Motions and Debate;

- (e) Directions Paper 5 – Notices of Rescission subject to:
 - (i) removal of references to the requirement that motions be carried by an absolute majority of Councillors; and
 - (ii) deletion of clause 44 from the marked up rule;
 - (f) Directions Paper 6 – Points of Order;
 - (g) Directions Paper 7 – Public Question Time;
 - (h) Directions Paper 8 – Public Submissions;
 - (i) Directions Paper 9 – Petitions and Joint Letters;
 - (j) Directions Paper 10 – General Business;
 - (k) Directions Paper 11 – Delegates Reports;
 - (l) Directions Paper 12 – Electronic Meetings subject to:
 - (i) removal of the reference to the Mayor’s physical presence being required at a hybrid meeting; and
 - (ii) deletion of clause 68.8 from the marked up rule; and
 - (m) Directions Paper 13 – Councillor Forums.
2. That officers commence community consultation as set out in this report and provide a further report to Council including the outcomes of the community engagement process and any recommended amendments to the Governance Rules.