

COUNCIL COMMUNITY COMMITTEES: TRIENNIAL ELECTION RULES AND INFORMATION FOR COMMITTEES

The Council structure includes Council Community Centre, Public Hall, Recreation Reserve and Township Committees. Council Committees do not have a separate legal status and operate as delegated sub-committees of Council. Community Centre, Public Hall, Recreation Reserve Committees have stewardship of community centres, public halls, and/or recreation reserves. Township Committees are groups that represent a township or locality in Selwyn. Each type of committee is formed by an election process on a three yearly or triennial basis. A community committee is a subordinate body of Council and subject to the control of Council. For information regarding responsibilities and delegations associated with Community Committees, refer to the Policy 2019.

Elections for Council committees are required to be held within three months following the Triennial Local Government elections, and be publicly notified 14 days prior to the election of committee members. Council can provide limited support for advertising.

Committees are required to schedule their Election meetings from the November following the Selwyn District Council triennial elections to allow the elected member (councillor), assigned to their committee, to attend.

To assist with the smooth running of committee election and to ensure that all legal requirements are met, the rules for an election meeting follow:

Timing, Location and Public Notice of Triennial Election of Council Community Committees

- 1) The Triennial Election meeting must be held within three months following the triennial Local Government elections, in a public place and be publicly advertised at least two weeks before the date. The meeting to be advertised in Council Call (a free service), to advertise in Council Call e-mail committees@selwyn.govt.nz and provide information to be included. Committees can also advertise in any other publication or place the committee decide is appropriate to ensure advertising reaches as many in the community as possible. Accounts for advertising can be sent to Selwyn District Council for payment from the appropriate township/committee discretionary fund or general expenses account relevant to the committee.

The Triennial Election meeting

- 2) An independent Chairperson is required to run the election process. This can be the retiring chairperson if they are not standing for re-election, or the committee may wish to ask the appointed elected member.

Calling of nominations for the committee

- 3) The committee must have not more than thirteen (13) persons, **including** appointed Councillor or Malvern Board member, as appropriate, and not fewer than five (5) persons, **excluding** appointed Councillor or Malvern Board member.
Before nominations are called, the number of committee members to be elected must be agreed by those present at the public meeting.
- 4) The Selwyn District Councillor or Malvern Community Board member(s) appointed to the committee is/are a member(s) of the committee. They have the same voting rights as any other member of the committee.
- 5) All committee members have equal voting rights at committee meetings.
- 6) To be eligible for election to / membership of a committee, a person must reside or own property in Selwyn.
- 7) All nominations must be moved and seconded by individuals who reside or own property in Selwyn.
- 8) Individuals who meet the criteria for election (rule 6), but are unable to attend the meeting and have tendered an apology are eligible for nomination.
- 9) A community centre or reserve committee is expected to appoint members from separate user groups of the local facility or reserve. A community/township committee is encouraged to appoint members from different special interest groups in the community. The number of these appointed members must be decided prior to nominations being called as per rule 3 above. Only one member per special interest or user group can be appointed under this rule. Those who represent a user group or special interest group are expected to maintain communication with the group they represent over the term on the committee.
- 10) If at an AGM the minimum number to form a Committee is unable to be met by a particular committee, Selwyn District Council is to be advised and, through the Triennial Report to Council on Committees, a motion will be put to rescind the particular Committee.

Merger, combining or uniting Committees of Council

- 11) If two or more Council committees decide to combine or unite they can do so, unless one of the committees has a separate legal status.

If one of the amalgamating committees has a separate legal status they cannot generally become a committee of Council.

A committee with a separate legal status can, however, wind up. A society or company will already have a winding-up clause in its rules. A trust may not have a winding up clause. Once the other society, company or trust is wound up, the other committee may, through its triennial election process, change aspects of its purpose or goals and its

membership, to include membership and/or objectives from the committee that has wound-up.

Council committees intending to combine or unite should record the decision in the meeting minutes. The date for combining or uniting of committees should occur after the triennial election of Council, when the Council committee holds its triennial election.

In the interim period Council committees can work together and do things together, however, the formal process requires a decision to be recorded in the minutes and the election to be held.

Eligibility; Employees of Council

- 12) The Council believes that the separation of an employee's role and duties and committee role when there is a direct employment relationship is challenging and can present a risk of actual or perceived conflict of interest.
- 13) A person employed by Selwyn District Council to **serve a specific Council committee** (e.g., as Secretary, Cleaner, Caretaker) is a Council employee and therefore cannot be a member of the committee they serve. A person recruited by Council to act as Secretary, is an **appointed Officer** of that committee and an election is not required.
- 14) Other people **employed by Selwyn District Council** cannot be elected to a committee unless written permission is received from the Council Chief Executive. The criteria for consideration will include the nature of the person's role at Selwyn District Council in relation to the obligations of nomination/election as a member of a committee. If nomination/election to the committee is subsequently permitted, documentation will be held on the individual's employment file with People, Capability and Culture. A declaration of "conflict of interest" will be recorded by the minute secretary at each meeting.
- 15) If a committee member becomes an employee of Selwyn District Council during the three year term, they must resign their position on the Council committee they are serving. There is recourse under rule 14 to seek permission from the Chief Executive **UNLESS** the role is as an appointed officer / paid employee of the committee served (as in Rule 13).

Voting rights at the election meeting

- 16) Any individual who is a ratepayer and/or resides in the Selwyn District is eligible to vote in a committee election.
- 17) Voting for committee members can be done by the chairperson calling for a simple show of hands or by secret ballot.

Voting by secret ballot is consistent with the way individuals vote for Mayor, Councillors or Malvern Community Board members at the triennial elections. If voting by a secret ballot process, the counting of votes, needs to be coordinated by the meeting Chairperson in a manner that does not identify the voter.

Resignation or relocation out of the District

- 18) From time to time, committee members will not be able to complete their three year terms for a variety of reasons. In such situations, the following options should be considered by the committee and implemented as deemed appropriate:
- (i) If the retiring committee member is a user group or special interest group representative then under rule 9 the user/special interest group should be asked to make an appointment.
 - (ii) If the committee member was elected at the triennial election and there were members of the community not elected, then the Chairman of the committee should approach those unsuccessful ratepayers/residents to see if they are interested in being elected. If votes were counted or a record of a show of hands was maintained in the meeting minutes, then the highest polling unelected ratepayer/resident should be offered the committee member role.
 - (iii) If neither, i or ii above, achieves a member being appointed then a co-option process can be used. This process seeking registrations of interest for the role should be widely advertised, including a notice in Council Call.

Matters to cover at the Triennial Election meeting

- 19) It is recommended that this public meeting is a report to the community. The outgoing Chairperson should present a report of activities and achievements over the past three years.
- 20) The primary purpose of the Triennial election meeting is to elect committee members and clarify the rules, responsibilities and processes associated with committee activity.

The Triennial Election Meeting is however, an opportune time with a broader community presence to discuss community aspirations and challenges and consider initiatives that could be pursued by the incoming committee. The Triennial Election Meeting should recognise that the Selwyn District Council Long Term Plan, Annual Plan and Asset Management Plan are the formal process for confirming projects associated with community facilities or reserves that require funding allocation. This meeting therefore, cannot alter projects planned and funded within the mentioned Plans but may consider medium term projects that might inform future Plans or consider projects that do not involve direct Council funding.

After the Triennial Election meeting – Election of Officers and Committee meetings

- 21) The date for the first committee meeting should be set by consensus and all meetings advertised in Council Call.
- 22) At the first committee meeting, a Chairperson and Secretary should be elected. The Secretary can be appointed (13). The Committee Secretary is to manage the completion of “**Council Community Committees Committee List Update**”, and return by e-mail to committees@selwyn.govt.nz or mail to Community Services and Facilities, Committees

Secretary, Selwyn District Council, PO Box 90, Rolleston 7643. **A Fillable form is available on the Committees Portal**

- 23) Once the committee members have been determined officers should be elected/appointed.
- 24) All Council communication to committees will be by email and/or by mail as appropriate.
- 25) Each Committee Chairperson and Secretary is issued with a Selwyn District Council email address. Once Council is notified of the names of Chairperson and Secretary, the password for each account will be reset and advised to these officers. This email is the **only** email address Council will use for communication with committees.

Committee induction and training

- 26) The Community Services and Facilities team of Council deliver a range of training and capacity building opportunities for volunteers and community groups each year. For a programme of the training planned in a given year, refer to the Council website. To request information or to make suggestions for training topics please email committees@selwyn.govt.nz

Meeting Procedures

- 27) Council committees are required to forward a copy of all meeting minutes to the Council for record keeping. Under Council's Standing Orders, (see note i below) it is a requirement that the Council hold minutes of meetings from all its committees. E-mail to committees@selwyn.govt.nz in word (.doc) or PDF (.pdf) format only to enable upload to the Website. Malvern Committees email to board.secretary@selwyn.govt.nz
 - a) The committee will keep a true and accurate record of all meetings and shall forward a copy to the Council within four weeks of each meeting.
 - b) All budgets related to halls and community centres are determined as part of Long Term Plan, Annual Plan and Asset Management Plan processes. Each committee shall be encouraged to participate in these processes at the appropriate times.
 - c) Exceptions to b) above are where there is significant Health and Safety risk or is urgently required to protect an asset from deterioration or immediate loss of service. In such circumstances only Council officers with relevant delegations will make associated decisions.
 - d) All expenditure must be posted against an appropriate general ledger code. Expenditure on approved budgets must be authorised by a Council officer with the relevant delegations, via Council's electronic purchasing system.
 - e) In the areas of incidental expenses, arrangements may be made by an authorised Council officer to enable timely payment of expenses within budget, directly to the supplier.
 - f) Any revenue generated by any committee is required to be deposited into the Council bank account.
 - g) All persons employed to provide services to Council-delegated Committees will be employees of Council and subject to Council recruitment and employment policies and

processes. All costs associated with such employment arrangements will be those of the committee and adequate budget is required. Council will manage the charging and costs against budgets.

h) Committees will work cooperatively.

i) **Note:** Council managed facilities and reserves do not have committees. However, all facilities and reserves directly managed by Council are required to routinely provide opportunities for engagement by Council through the Centre Manager with the user groups of Council centres as well as with users themselves and the local community.

Length of Tenure for Committee Members

28) Committee members are elected for the full triennium i.e., three year period. A committee member may resign from the committee during this period. There may be some circumstances where an individual is disqualified from being a member. Individuals cannot be summarily dismissed by the committee itself.

Council and community board meetings operate under Standing Orders which states that if an elected member is absent from four continuous meetings without an apology they can be considered Absent without Leave. If the committee faces a similar situation, the Chairman may decide to seek advice from Council officers on the best course of action in the circumstances concerned.

Standing Orders and Public Excluded Sessions

i. **Standing Orders** - are the rules and procedures that the Council adopts every three years that determines how meetings will be run. Most committees never need to refer to Standing Orders as they keep their meetings simple with straightforward resolutions and in most situations, passing resolutions by majority or consensus decision-making.

From time to time, committees have more difficult/controversial decisions to make. In these situations, the rules of meeting procedure need to be correctly followed. In such situations the elected member, who has a copy of Standing Orders will be able to assist. Alternatively, council staff can provide advice.

ii. **Public Excluded meeting sessions** - under standing orders, all decisions made by a committee must be made in a public, or open session of a committee meeting. In some circumstances, a committee meeting can consider or make decisions in a session where the public are excluded. The committee's elected member will be able to assist in deciding if the subject to be discussed fits the rules for the meeting moving into a public excluded session. If decisions are made in public excluded sessions, the committee at some appropriate point in time pass a resolution to have the decision available to the public. When this time occurs will depend on a case by case basis.

Selwyn District Council Guidance Notes for Triennial Election Rules

The following guidance notes have been issued to assist committees with interpreting the Council's management committee election rules. (This was last issued 10 November 2010)

What is a Committee of Council?	<p>A Committee of Council is defined as being either a:</p> <ul style="list-style-type: none"> • Community Centre/Hall Committee • Reserve Committee • Township/Community/Advisory Committee <p>No committee can be a Committee of Council if it has a separate legal entity in its own right. Such a committee with a separate legal status has its own rules for electing the committee and operating.</p>
Who can stand for election?	<p>Council has made this a very wide definition. If you are resident in the Selwyn District or a ratepayer you can stand for nomination.</p> <p>Refer to "Eligibility; Employees of Council" Rules 12 to 15, for guidance regarding employees of Selwyn District Council.</p>
Who can move or second nominations?	Residents and/or ratepayers can stand for nomination and a resident and/or ratepayer must second the motion
Who can vote?	Residents and/or Ratepayers of Selwyn District
What if a property is owned by a trust?	In such situations, the Trustees of the Trust need to nominate one of the Trustees to be the ratepayer for committee election purposes.
Who is a resident?	<p>A resident is an individual whose normal place of residence is Selwyn District.</p> <p>The best example is an individual who rents property (being a dwelling) in the District but they may for a number of reasons not be registered on the Selwyn election roll.</p> <p>Normal place of residency would be an individual who resides in the District for at least 50% of the year (being that for at least 183 days of the previous 365 days the individual slept in the dwelling)</p> <p>If an individual only resides in the District at the weekend, e.g., their dwelling is a bach or Fisherman's Hut, this would not be seen as satisfactory to indicate that the individual is a resident although the individual could of course be a ratepayer and therefore gets a vote.</p>

If you have any questions, regarding the election rules or guidance notes, please contact committees@selwyn.govt.nz

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