

STAFF REPORT

TO: Mayor and Councillors
FROM: Chief Executive
DATE: 1 July 2010
SUBJECT: **Council resolution CN10-06-11 - RCN10-07-03** Report prepared for meeting of 22 July 2010

1. BACKGROUND

- 1.1 Council received a report from the Electoral Officer at its Full Council Meeting of 9 June 2010.
- 1.2 That report sought direction from the Council on voting procedures for the 2010 Tasman District Council triennial elections.
- 1.3 The same report also gave warning of additional costs likely to be incurred by the Tasman District Council as a result of Mr Miccio's petition being relaunched.
- 1.4 Councillors expressed concern about the additional costs, which they did not consider reasonable, given the failure of the initial petition.
- 1.5 A resolution (CN10-06-11) was then passed deciding that an account for the additional costs be sent to Mr Miccio in due course.

2. COMMENT

- 2.1 Petitions such as Mr Miccio's require certification by electoral officers in terms of clause 34 (3) of Schedule Three of the Local Government Act 2002. The Electoral Officer must certify that the petition has been signed by the required number of qualified electors.
- 2.2 The initial petition failed to achieve the 10% threshold (of total number of qualified electors in the Tasman District) and it was therefore deemed 'not to be a valid proposal' by the Local Government Commission.
- 2.3 The legislation requires that the Council concerned must meet the costs of the certification process, and for the Local Government Commission to meet its costs. There does not appear to be any provision by either body to seek reimbursement from the petitioner.
- 2.4 While that would not prevent the Council from seeking reimbursement from Mr Miccio, in the absence of any legislative power, or contractual obligation, the debt would not be legally enforceable. In practice, the Council would be reliant on the goodwill of Mr Miccio.
- 2.5 At this point in time, Council does not yet know whether it will be required to repeat the certification process. The Council resolution of 9 June anticipates a situation which has yet to arise.

3. CONCLUSION

- 3.1 While the Council has legitimate concerns about the costs potential additional to ratepayers, the petition organisers are within the law.

4. RECOMMENDATION

THAT the Council resolution CN10-06-11 of 9 June 2010 be rescinded.

Paul Wylie
Chief Executive