

NEW LYNN COMMUNITY BOARD

**Monday, 3 December 2007
Commencing at 7.00 pm**

Item 3: Urgent Business

**Item 3A: Resignation of Member of New
Lynn Community Board**

**SUPPLEMENT TO A MEETING OF THE NEW LYNN COMMUNITY BOARD TO BE HELD
IN THE NEW LYNN COMMUNITY CENTRE, 45 TOTARA AVENUE, NEW LYNN,
WAITAKERE, ON MONDAY, 3 DECEMBER 2007,
COMMENCING AT 7.00 PM**

3 URGENT BUSINESS

That the matter of Resignation of Member of New Lynn Community Board be considered as urgent business to enable advice of the resignation of the Member to be formally given to the Board.



3A RESIGNATION OF MEMBER OF NEW LYNN COMMUNITY BOARD

PURPOSE OF THE REPORT

The purpose of this report is to advise the New Lynn Community Board of the resignation, from the New Lynn Community Board, of Kelly Schwalger.

BACKGROUND

Kelly Schwalger submitted her resignation from the position of New Lynn Community Board Member, for personal reasons, to the Chief Executive Officer on 29 November 2007. The Chief Executive Officer subsequently notified the Electoral Officer of the resignation on 3 December 2007.

STRATEGIC CONTEXT

The smooth functioning of the New Lynn Community Board contributes positively to the "Active Democracy" and "Strong Communities" strategic platforms of Council's Long Term Council Community Plan.

ISSUES

Section 54 (2) of the Local Government Act 2002 provides that Part 1 of Schedule 7 of the Local Government Act 2002 applies to Community Boards, with the exception of Clauses 15 and 33 to 36.

Section 4 (2) of Schedule 7 of the Local Government Act 2002, provides that resignations take effect from the day they are delivered to the Chief Executive Officer, so Kelly Schwalger's resignation as a Member of the New Lynn Community Board is effective from 29 November 2007.

Section 5 of Schedule 7 of the Local Government Act 2002, provides that sections 117 to 120 of the Local Electoral Act 2001 apply to extraordinary vacancies.

Section 117 (1) of the Local Electoral Act 2001 prescribes that where a vacancy occurs in the office of an elected member of a community board more than 12 months before the next triennial general election, the vacancy must be filled by an election under that Act.

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The resignation has created an extraordinary vacancy on the New Lynn Community Board. The extraordinary vacancy must be dealt with as required by sections 117 to 120 of the Local Electoral Act 2002. Section 138A (1) (b) of that Act provides that where the Electoral Officer receives notice of the resignation in the period beginning 21 November and before 15 December the polling day must not be earlier than 7 March in the following year. A timetable has been established for the running of a by-election and is attached at page UB1 for information.

RESOURCES

It is expected that the cost of running the by-election to fill the extraordinary vacancy on the New Lynn Community Board will cost approximately \$60,000.

CONCLUSION

An extraordinary vacancy has occurred on the New Lynn Community Board created by the resignation of Kelly Schwalger. The Council has no option but to run a by-election. The Electoral Officer has been notified of the vacancy and has started the by-election process.

RECOMMENDATION

That the Resignation of Member of New Lynn Community Board report be received.

Report prepared by: Darryl Griffin, Group Manager Democracy and Support Services

