



EXTRAORDINARY COUNCIL

Open Agenda

Meeting Date: Tuesday 17 March 2026

Time: 12.45pm (Election of Deputy Mayor)

Venue: Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's YouTube Channel

Council Members **Chair:** Mayor McGrath

Members: Councillors Brownlie, Chrystal, Crown, Isaac-Sharland, Lawrence, Mawson, Morley, Price, Raihania, Simpson and Taylor

Officer Responsible Chief Executive

Administrator Governance Team

Next Extraordinary Council Meeting

2025-2028 TERM OF REFERENCE - COUNCIL

<i>Chairperson</i>	<i>Mayor</i>
<i>Deputy Chairperson</i>	<i>Deputy Mayor</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>6</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Chief Executive</i>

Purpose

The Council is responsible for:

1. Providing leadership to and advocacy on behalf of the people of Napier.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

The Council is responsible for the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body¹:

1. The power to make a rate
2. The power to make a bylaw
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
4. The power to adopt a long-term plan, annual plan, or annual report
5. The power to appoint a chief executive
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement, including the 30-Year Infrastructure Strategy
7. The power to adopt a remuneration and employment policy.
8. The power to establish a joint committee with another local authority or other public body².
9. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
10. The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.

¹ Schedule 7, clause 32. Local Government Act 2002.

² Schedule 7, clause 30A

11. The power to make a final decision whether to adopt, amend, revoke, or replace a local Easter Sunday shop trading policy, or to continue a local Easter Sunday shop trading policy without amendment following a review.³

Delegated Power to Act

The Council retains all decision making authority, and will consider recommendations of its committees prior to resolving a position.

Specific matters that will be considered directly by Council include without limitation unless by statute:

1. Direction and guidance in relation to all stages of the preparation of Long Term Plans and Annual Plans
2. Approval or amendment of the Council's Standing Orders⁴.
3. Approval or amendment the Code of Conduct for Elected Members⁵.
4. Appointment and discharging of committees, subcommittees, and any other subordinate decision-making bodies⁶.
5. Approval of any changes to the nature and delegations of any Committees.
6. Appointment and discharging of members of committees (as required and in line with legislation in relation to the role and powers of the Mayor) ⁷.
7. Approval of governance level strategies, plans and policies which advance council's vision and strategic goals.
8. Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
9. Reviewing of representation arrangements, at least six yearly⁸.
10. Approval of any changes to city boundaries under the Resource Management Act.
11. Appointment or removal of trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
12. Approval the Local Governance Statement as required under the Local Government Act 2002.
13. Approval of the Triennial Agreement as required under the Local Government Act 2002.
14. Allocation of the remuneration pool set by the Remuneration Authority for the remuneration of elected members.
15. To consider and decide tenders for the supply of goods and services, where tenders exceed the Chief Executive's delegated authority, or where projects are formally identified by Council to be of particular interest. In addition, in the case of the latter, milestone reporting to Council will commence prior to the procurement process.

3 Shop Trading Hours Act 1990, section 5D.

4 Schedule 7, clause 27,

5 Schedule 7, clause 15,

6 Schedule 7, clause 30,

7 Schedule 7, clause 30,

8 Local Electoral Act 2001, section 19H.

ORDER OF BUSINESS

Karakia

Apologies

Nil

Conflicts of interest

Announcements by the Mayor

Announcements by the management

Agenda items

1 Election of Deputy Mayor5

AGENDA ITEMS

1. ELECTION OF DEPUTY MAYOR

Type of Report:	Legal
Legal Reference:	Local Government Act 2002
Document ID:	1902338
Reporting Officer/s & Unit:	Anna Eady, Governance Manager

1.0 Executive Summary - Te Kaupapa me te Whakarāpopototanga:

- 1.1 This report is to facilitate the election of a Deputy Mayor for the remainder of the 2025-2028 triennium, as required by the Local Government Act 2002.

2.0 Recommendations - Ngā Tūtohunga

That Council:

- a. **Receives** the report titled Election of Deputy Mayor dated 17 March 2026.
- b. **Accepts** the resignation of Councillor Roger Brownlie from the position of Deputy Mayor, effective from 17 March 2026.
- c. **Notes** the Mayor has chosen not to use his power to appoint a Deputy Mayor under section 41A of the Local Government Act 2002.
- d. **Resolves** to use Voting System [*insert: A or B*] for the election of the Deputy Mayor of Napier City Council, as set out in clause 25, Schedule 7 of the Local Government Act 2002.
- e. **Resolves** that in the case of determination of Deputy Mayor by lot, if 2 candidates tie for the [*insert: least votes under Voting System A, or, the most votes under Voting System B*], the method used shall be for the Governance Manager of Council to draw one name from a suitable container with the Chief Executive acting as scrutineer during this process. The candidate whose name remains in the container will be declared elected Deputy Mayor.

Mover/Seconder

- f. Councillor [*name to be inserted*] nominated Councillor [*name to be inserted*], which was seconded by Councillor [*name to be inserted*].
- g. **Declares** Councillor [*name to be inserted*] to be elected as Deputy Mayor of Napier City Council, effective from 17 March 2026 for the remainder of the 2025-2028 triennium.

3.0 Background - Ngā Tuāpapa:

- 3.1 Appointment of a Deputy Mayor is required by the Local Government Act 2002 (LGA) and ensures that decision-making processes and community engagement can continue during any absence of the elected Mayor.

3.2 Either the Mayor makes the appointment using their discretionary power as detailed in section 41A of the LGA, or if that power is not used the Council must elect one of its members to the office of Deputy Mayor.

3.3 All councillors are eligible for election as Deputy Mayor and there are no formal nomination requirements.

4.0 Discussion - *Ngā Whakamārama*:

4.1 Role of the Deputy Mayor

A Deputy Mayor must perform all the responsibilities and duties, and may exercise all the powers, of the Mayor in the following circumstances:

- with the consent of the Mayor at any time during their temporary absence or,
- without that consent, at any time the Mayor is prevented by illness or other cause from performing the responsibilities and duties or exercising the powers of the office; and if there is a vacancy in the office of the Mayor.

4.2 Under Standing Orders, in addition to being the Chair of Council, the Mayor is an *ex officio* member of every Council committee and subcommittee. Therefore, with the Mayor's consent and under clause 17, Schedule 7 of the LGA, a Deputy Mayor may act in the Mayor's place at these meetings and may exercise all the rights that the Mayor holds as a member.

4.3 To avoid doubt, a Mayor cannot delegate their powers under subsection 41A (3) of the LGA:

- a) To appoint the Deputy Mayor,
- b) To establish committees of Council,
- c) To appoint the Chair of each committee established under b), including appointing themselves to that position if they wish.

4.4 Voting System

The Council must use one of the voting systems outlined in Standing Order 5.6 and clause 25, Schedule 7 of the LGA to elect a Deputy Mayor.

System A

The successful candidate must receive a majority of the votes of elected members present and voting at the meeting.

Round One

- There is a round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes (in the case of three or more nominations), the candidate receiving the fewest votes in the first round is excluded and a further round of voting occurs.

Subsequent rounds (if required)

- There is a further round of voting.
- If a candidate receives the majority of votes they are elected.

- If no candidate receives the majority of votes the candidate receiving the fewest votes is excluded and a further round of voting occurs.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

- The successful candidate must receive more votes than any other candidate.
- There is only one round of voting.
- If two or more candidates tie for the most votes, the tie is resolved by lot.

Voting process document attached below.

4.5 Power to Remove the Deputy Mayor

4.6 The term of office for the Deputy Mayor of Napier City Council shall be for the remainder of the 2025-2028 triennium. However, a Deputy Mayor may terminate (or have terminated) their office by:

- Resigning as Deputy Mayor,
- A majority decision of the Council,
- A resolution of the Council,
- Being no longer eligible to hold office as a councillor.

5.0 Options - He kōwhiringa anō:

5.1 Option

In accordance with voting procedures and as required by the LGA, the Napier City Council is to elect one of its members to the position of Deputy Mayor.

6.0 Next Steps - Te Koke

- 6.1 The community will be notified of the Deputy Mayor appointment.
- 6.2 A decision on changes in remuneration due to the change in responsibilities for elected members will be considered at a future meeting.

7.0 Attachments

- 1 [↓](#) Voting Process Doc Id: 1902995

Summary of Considerations - *Tuhinga Whakarāpopoto:*

Fit with purpose of Local Government - *Ngā aronga tā te Kaunihera- ā-rohe kōrero*

Council is required to give effect to the purpose of local government as set out in Section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf) of communities in the present and for the future.

The appointment of a Deputy Mayor ensures the business of Council can continue if the Mayor is unavailable.

Māori Impact Statement - *He kōrero whaitake tā te māori kōrero:*

No known impacts.

Climate Change - *Te Huringa o te āhuarangi*

This decision does not have an impact on:

- Greenhouse gas emissions (from council operations, community activities, or associated infrastructure),
- Napier's adaptation to a changing climate (e.g. flooding, sea level rise, coastal erosion, inundation, drought, heatwaves).

LTP/ Annual Plan/ Financial Strategy/ Infrastructure Strategy - *Te Pae Tawhiti/ ā-tau / ā- Taunaki Ahumoni /ā- Taunaki Hanganga*

No known implications.

Financial considerations - *Whai whakaaro Ahumoni:*

There are no budget implications.

Significance and Engagement - *Ko te Hiranga me te Hiwaia o te whakaaro:*

This matter is fully legislated by the LGA 2002 and does not trigger the Significance and Engagement Policy.

Consultation (internal/external) - *Ngā Uiuinga (Ki te Kaunihera /ki ngā tāngata katoa)*

No engagement has been required by officers.

Risks: Legal/ Health and Safety etc. - *Whaktūpato Ture/ Hauora me te Haumaru*

Appointing a Deputy Mayor is a legislative requirement which Council must comply with. This mitigates the risk to the organisation and the community in cases when the Mayor cannot carry out their duties.

17 March 2026 Extraordinary Meeting Process

Mayor will introduce item one.

Governance Manager will speak to the paper and explain the process to be carried out.

Mayor opens for questions of officers.

1. Once the process questions are finished a **Voting System** is to be determined by resolution. This means the **system of voting must be resolved before the election** of the deputy mayor can take place.

- i. System A

The successful candidate must receive a majority of the votes of elected members present and voting at the meeting.

Round One

- There is a round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes (in the case of three or more nominations), the candidate receiving the fewest votes in the first round is excluded and a further round of voting occurs.

Subsequent rounds (if required)

- There is a further round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes the candidate receiving the fewest votes is excluded and a further round of voting occurs.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

Or where there is only two candidates left and there is a tie, the person to be elected is resolved by lot as detailed below.

- ii. System B

- The successful candidate must receive more votes than any other candidate.
- There is only one round of voting.
- If two or more candidates tie for the most votes, the tie is resolved by lot.

Resolve by lot – If two candidates are tied the method used shall be for the Governance Manager of Council (Anna Eady) to draw one name from a suitable container with the Chief Executive acting as scrutineer during this process. The candidate whose name remains in the container will be declared elected Deputy Mayor.

First Motion:**That Council**

- a. **Receives** the report titled Election of Deputy Mayor dated 17 March 2026.
- b. **Accepts** the resignation of Councillor Roger Brownlie from the position of Deputy Mayor, effective from 17 March 2026.
- c. **Notes** the Mayor has chosen not to use his power to appoint a Deputy Mayor under section 41A of the Local Government Act 2002.
- d. **Resolves** to use Voting System **[insert A or B]** for the election of the Deputy Mayor of Napier City Council, as set out in clause 25, Schedule 7 of the Local Government Act 2002.
- e. **Resolves** that in the case of determination of Deputy Mayor by lot, if 2 candidates tie for the **[insert least votes under Voting System A, or, the most votes under Voting System B]**, the method used shall be for the Governance Manager of Council (Anna Eady) to draw one name from a suitable container with the Chief Executive acting as scrutineer during this process. The candidate whose name remains in the container will be declared elected Deputy Mayor.

2. Mayor to call for nominations for the position of deputy mayor

- Nominations must be supported by a seconder (being a different person). An elected member may nominate or second themselves and may also nominate more than one person.
- Once the call for nominations results in no further nominees, nominations will be closed.
- Each nominee may then be allowed up to five minutes to speak.
- Voting will then be undertaken by a show of hands, according to the system selected in the resolution, with only one vote per elected member.

Each nomination will be noted in the minutes with how many votes received:

Eg: Councillor **[name to be inserted]** nominated Councillor **[name to be inserted]** which was seconded by Councillor **[name to be inserted]**.

X votes received for Councillor **[name to be inserted]**.

Second motion:**That Council**

- f. Councillor **[name to be inserted]** nominated Councillor **[name to be inserted]**, which was seconded by Councillor **[name to be inserted]**. **Repeat to reflect all nominations.**
- g. **Declares** Councillor **[name to be inserted]** to be elected as Deputy Mayor of Napier City Council, effective from 17 March 2026 for the remainder of the 2025-2028 triennium.

Votes for and against will be recorded in the minutes.