

MARLBOROUGH DISTRICT COUNCIL
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**MARLBOROUGH
DISTRICT COUNCIL**

28 August 2024

Record No: 24205873
File Ref: D050-001-02
Ask For: Mike Porter

Notice of an Extraordinary Council Meeting – Tuesday, 3 September 2024

Pursuant to clause 22, schedule 7 of the Local Government Act 2002, an Extraordinary Meeting of the Marlborough District Council will be held in the Council Chambers, 15 Seymour Street, Blenheim on **Tuesday, 3 September 2024 commencing at 1.00 pm.**

BUSINESS

As per Order Paper attached.

JOHN BOSWELL
CHIEF EXECUTIVE



**Order Paper for an
EXTRAORDINARY COUNCIL MEETING
to be held in the Council Chambers, 15 Seymour Street, Blenheim
on TUESDAY, 3 SEPTEMBER 2024 commencing at 1.00 pm**

Open Meeting

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Items 5 (Adoption of the 2024-34 Long Term Plan) and 6 (Setting of Rates for the 2024-25 Financial Year) were transferred from this agenda to the Emergency Council Meeting held on 2 September 2024.

Marlborough District Council

**Order Paper for an
EXTRAORDINARY COUNCIL MEETING
to be held in the Council Chambers, 15 Seymour Street, Blenheim
on TUESDAY, 3 SEPTEMBER 2024 commencing at 1.00 pm**

1. Karakia

Tēnā koutou, tēnā koutou, tēnā koutou katoa
E te Atua tō mātou Kai-hanga,
ka tiāho te maramatanga me te ora, i āu kupu kōrero,
ka tīmata āu mahi, ka mau te tika me te aroha;
meatia kia ū tonu ki a mātou
tōu aroha i roto i tēnei huihuinga.
Whakakī a matou whakaaro ā mātou mahi katoa,
e tōu Wairua Tapu.
Āmine.

God our Creator,
when you speak there is light and life,
when you act there is justice and love;
grant that your love may be present in our meeting.
So that what we say and what we do may be filled with your Holy Spirit.
Amen.

2. Apologies

3. Declaration of Interests

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4. Marlborough Māori Ward

(Report prepared by Dean Heiford & Mike Porter)

D050-004-025-16

Purpose of report

1. To provide information for Council to vote to either retain or disestablish the Marlborough Māori Ward in accordance with the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024.

Executive Summary

2. Council can either vote to retain or disestablish the Marlborough Māori Ward.
3. If Council votes to retain the Marlborough Māori Ward, Council must resolve to hold a binding poll on the Marlborough Māori Ward at the 2025 Local Election.
4. If Council votes to disestablish the Marlborough Māori Ward, Council must undertake a shortened representation review process immediately to meet the required deadline outlined in the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024.

RECOMMENDATIONS

1. **That Council resolve retain the Marlborough Māori Ward for the 2025 Local Elections and therefore the 2025-2028 Council term; and**
2. **That Council resolve to hold a binding poll on the Marlborough Māori Ward at the 2025 Local Election.**

Background/Context

5. The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (Amendment Act) came into force on 31 July 2024. The Amendment Act:
 - reinstates the ability for binding polls on the establishment of Māori wards;
 - provides a transitional poll mechanism for councils that either resolved to establish or established Māori wards since 2020 (without holding a poll); and
 - adjusts key election dates to allow more time for delivering voting papers.
6. The Amendment Act's transitional poll mechanism requires Council to resolve to either retain the Marlborough Māori Ward and hold a binding poll at the 2025 local elections or disestablish the Marlborough Māori Ward.
7. The Amendment Act further states that Council has until 6 September 2024 to make either resolution.

Retaining the Marlborough Māori Ward

8. If Council resolves to retain the Marlborough Māori Ward, the Amendment Act states that Council must resolve to hold a binding poll at the 2025 Local Election, with the results taking effect for the 2028 and 2031 Local Elections.
9. This means the Marlborough Māori Ward stays in effect for the 2025-2028 Council term.
10. Notwithstanding the result of the binding poll on the Marlborough Māori Ward taken at the 2025 Local Election, Council will still need to undertake its regular Representation Review in 2027/28. However, if the result of the binding poll is negative then Council will not be able to consider any Māori Ward until the 2033/34 Representation Review.

Disestablishing the Marlborough Māori Ward

11. If Council resolves to disestablish the Marlborough Māori Ward (by rescinding the decision made on 21 May 2021), there are two options for the 2025 representation arrangements:
 - complete a shortened representation review process by early April 2025; or
 - revert to their most recent representation arrangements before Māori wards were established.
12. The shortened representation review must commence immediately with Council to make its initial proposal by 13 September 2024.
13. Under the Amendment Act Council cannot consider Māori Wards during this shortened representation review (covers 2025 and 2028 Local Elections). The Amendment Act also states that Council does not have to consider Māori Wards in future representation reviews but can if it chooses to do so.
14. Council cannot revert to its most recent representation review as the 2023 population estimates (which must be used) make, not only the Marlborough Sounds Ward, but also the Wairau-Awatere Ward, not comply with the +/- 10% population requirement and as no exception has been granted previously by the Local Government Commission for the Wairau-Awatere Ward then Council must carry out a shortened representation review.

Option One (Recommended Option) – Retaining the Marlborough Māori Ward

15. As above.

Advantages

16. The Marlborough Māori Ward remains for the 2025-2028 term as originally decided by Council at its 2021/22 Representation Review.
17. The Binding Poll gives people on the electoral roll the opportunity by simple majority to have their say on whether Council has a Māori Ward for the next two Local Elections (2028 and 2031).

Disadvantages

18. The cost of running a poll at the 2025 Local Election is estimated by Council's election provider to be in the vicinity of \$60,000.

Option Two – Disestablishing the Marlborough Māori Ward

19. As above.

Advantages

20. No poll requirement at the 2025 Local Election.

Disadvantages

21. Council will be required to undertake a shortened representation review, commencing without delay. Council has not budgeted for this work, neither have staff the resources to undertake this, therefore a contractor will need to be engaged at an unknown cost.
22. No Marlborough Māori Ward for the 2025 and 2028 Local Elections.

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