



Extraordinary Meeting of Council

AGENDA

29 September 2021

Commencing at 5.30pm

In light of the COVID-19, this meeting will be held remotely. Presentations can either be made in writing or by attending a Zoom meeting - see Public Involvement at Meetings on Council's website.

- 1 OPENING
- 2 ACKNOWLEDGEMENT OF COUNTRY
- 3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS
- 4 DECLARATION OF INTERESTS 1
- 5 ADJOURNMENT FOR PUBLIC FORUM
- 6 REPORTS TO COUNCIL - ITEMS FOR DETERMINATION
- 6.1 Position of Deputy Mayor3
- 7 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION 5
- 8 REPORTS FOR CLOSED SESSION
- 9 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS –

(Copies available from General Manager's Office on request)

Open Attachments

Nil

Closed Attachments

Nil

**ITEM 4 DECLARATION OF INTERESTS 1 DECLARATION OF
CONFLICTS/PECUNIARY INTERESTS**

The provisions of Chapter 14 of the *Local Government Act, 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the *Local Government Act* restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest

Recommendation

That Councillors and staff disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

6.1 Position of Deputy Mayor (Ref: ; Author: Tegart/Tegart)

File Reference: 52.6.1

Summary

The decision to elect a deputy mayor and the duration of their term of office are determined by individual councils. Since its creation, Council has each year resolved to fill the position of Deputy Mayor for a one-year term. Council is now given the opportunity to decide if it wishes to continue this practice, and if so decided, the term will be from 29 September until the day of the Local Government Elections.

Recommendation

That Council elect a Deputy Mayor for the period 29 September until the day of the Local Government Elections, noting that the method of ballot for such an election is by open voting (show of hands), pursuant to Schedule 7, Part 1(3) of the *Local Government (General) Regulation 2005*.

Background

The deputy mayor of a council is the person who may be elected to the office by councillors from among their number. A deputy mayor elected by councillors may hold that office for the mayoral term (two years) or for a shorter term and commences the day the person elected to that office is declared elected.

Council elected Cr Michele Biscotti in 2020 as Deputy Mayor for a one-year term, and as that term has now concluded, Council should decide whether it wishes to elect a Councillor to the position of Deputy Mayor for the period 29 September until the day of the Local Government Election.

The election of the deputy mayor must be conducted in accordance with Clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005*.

Council resolved at its meeting held on 25 August 2021 (Resolution 239/21) that the method of ballot for the election of the Mayor and Deputy Mayor be by open voting (show of hands).

Election Procedure

A detailed explanation of the Deputy Mayoral Election Procedures is available from the Office of Local Government's website at <https://www.olg.nsw.gov.au/sites/default/files/OLG%20-%20September%202018%20mayoral%20elections%20-%20Fact%20Sheet.pdf>

Clause 3(1) of Schedule 7 of the Regulation provides that if only one councillor is nominated, that councillor is declared elected.

Clause 3(2) of Schedule 7 provides that if more than one councillor is nominated, the Council is to resolve whether the election is to be by open voting, ordinary ballot, or preferential ballot. Clause 6 of Schedule 7 provides that if there are only two candidates, the candidate with the higher number of votes is elected.

However, if there are only two candidates and their votes are tied, the election is chosen by lot.

6.1 Position of Deputy Mayor (Ref: ; Author: Tegart/Tegart) (Continued)

Clause 7 of Schedule 7 provides that if there are three or more candidates, the one with the lowest number of votes is to be excluded and a further vote is taken of those remaining candidates and the one with the lowest number of votes from that further vote is excluded.

The above procedure is to be repeated until two candidates remain. If two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Returning Officer

Clause 1 of Schedule 7 of the Regulation provides that the CEO or their delegate is the returning officer for the election.

Nominations

Clause 2 of Schedule 7 provides that a councillor may be nominated without notice and that such nomination is to be made in writing by two or more councillors. The nomination is not valid unless the nominee has shown consent to the nomination in writing.

Returning Officer to conduct the election.

Implications***Legal***

The election of deputy mayor must be conducted in accordance with the *NSW Local Government Act 1993* and the *NSW Local Government (General) Regulation 2005*.

Conclusion

Council is asked to determine whether it wishes to fill the position of Deputy Mayor for the period 29 September to the day of the Local Government Elections. The method of ballot for the election of the Deputy Mayor is, as by resolution of Council in August 2021, by open voting (show of hands). The CEO is the Returning Officer for the election.

Attachments

Nil

7 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “confidential” business paper which has been circulated to Councillors.

The *Local Government Act, 1993* requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the *Local Government Act, 1993*.