



Warrumbungle Shire Council

Call to Council

**Special
Council meeting**

Thursday, 18 September 2014

to be held at the Council Chambers, Coolah

commencing at 10.00 am

Mayor

Councillor Peter Shinton

Deputy Mayor

Councillor Murray Coe

COUNCILLORS

Councillor Gary Andrews

Councillor Anne-Louise Capel

Councillor Fred Clancy

Councillor Victor Schmidt

Councillor Chris Sullivan

Councillor Ron Sullivan

Councillor Denis Todd

MANAGEMENT TEAM

Steve Loane (General Manager)

Rebecca Ryan (Director Corporate Services)

Kevin Tighe (Director Technical Services)

Leeanne Ryan (Director Development Services)

Warrumbungle Shire Council

Vision

Excellence in Local Government

Mission

We will provide:

- Quality, cost effective services that will enhance our community's lifestyle, environment, opportunity and prosperity.
- Infrastructure and services which meet the social and economic needs and aspirations of the community now and in the future.
- Effective leadership and good governance, by encouraging teamwork, through a dedicated responsible well trained workforce.

We Value

Honesty

Frank and open discussion, taking responsibility for our actions

Integrity

Behaving in accordance with our values

Fairness

Consideration of the facts and a commitment to two way communication

Compassion

Working for the benefit and care of our community and the natural environment

Respect

To ourselves, colleagues, the organisation and the community listening actively and responding truthfully

Transparency

Open and honest interactions with each other and our community

Passion

Achievement of activities with energy, enthusiasm and pride

Trust

Striving to be dependable, reliable and delivering outcomes in a spirit of goodwill

Opportunity

To be an enviable workplace creating pathways for staff development

WARRUMBUNGLE SHIRE COUNCIL

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CALL TO COUNCIL SPECIAL COUNCIL MEETING

NOTICE is hereby given that a special meeting of Warrumbungle Shire Council will be held on Thursday 18 September 2014 commencing at 10.00am at the Council Chambers, Coolah. Your presence is required to determine the following business.

The business to be transacted relates to the election of a Mayor and Deputy Mayor for the forthcoming year.

You should note the requirement of the Warrumbungle Shire Council's Code of Meeting Practice which provides:

5.1.A Councillor cannot participate in a meeting of a Council or Committee unless personally present at the meeting

Special Meeting Business

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Steve Loane
General Manager

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Item 1S Election of Mayor

Division:	Executive Services
Management Area:	Governance
Author:	Director Corporate Services – Rebecca Ryan
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF4 Council's governance practices and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

Reason for Report

As per s225 -230 of the NSW Local Government Act (1993) an area must have a Mayor who is elected in accordance with the Act.

The role of the Mayor is:

- *to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*
- *to exercise such other functions of the council as the council determines*
- *to preside at meetings of the council*
- *to carry out the civic and ceremonial functions of the Mayoral office.*

In Warrumbungle Shire Council, the person elected to the office of Mayor by the Councillors from among their number and is for a one (1) year term subject to the Act.

Background

As per Schedule 7 of the Local Government Regulations (2005) parts 1-13 the General Manager is the returning officer.

A Councillor may be nominated without notice for election as Mayor.

The nomination is to be made in writing by two (2) or more Councillors (one of who may be the nominee) and is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered to or sent to the General Manager however a valid written nomination will be accepted up until the announcement of the nominations for the position.

The General Manager is to announce the names of the nominees at the Council meeting at which the election is to be held for the election of Mayor for forthcoming period.

Issues

If, on any count of votes, there are two (2) candidates in, or remaining in, the election and the numbers of votes cast are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be

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elected. If, on any count of votes, there are three (3) or more candidates in, or remaining in, the election and the numbers of votes cast for two (2) or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

To choose a candidate by lot, the names of the candidates who have equal numbers of votes the General Manager will write the names on similar slips of paper, fold the slips so as to prevent the names being seen, mix and draw one at random. The candidate whose name is on the drawn slip is chosen.

The result of the election is to be declared to the Councillors at the Council meeting at which the election is held by the General Manager, and sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

Councillors have enclosed under separate cover a nomination sheet for the Mayor.

Options

If only one Councillor is nominated, that Councillor is elected.

If more than one Councillor is nominated, Council is to resolve whether the election is to proceed by Ballot; which under the Regulations means secret ballot or Open Voting; which means voting by a show of hands or similar means.

In addition, Council also needs to determine if the method of voting is by Preferential Ballot or Ordinary Ballot and the order that candidates will appear on the ballot paper.

- Preferential Ballot

If the election proceeds by preferential ballot the ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers '1', '2' and so on against the various names so as to indicate the order of their preference for all the candidates. An informal ballot-paper must be rejected at the count.

If a candidate has an absolute majority of first preference votes, that candidate is elected. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected. An *absolute majority*, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

- Ordinary Ballot and Open Voting

If there are only two (2) candidates, the candidate with the higher number of votes is elected. If there are only two (2) candidates and they are tied, the one elected is to be chosen by lot.

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If there are three (3) or more candidates, the one with the lowest number of votes is to be excluded. This process is to be repeated until only two (2) candidates remain and a further vote is to be taken of the two (2) remaining candidates. If at any stage during this process when two (2) candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Financial Considerations

The Mayor is paid an additional fee to the Councillor/Member fee of \$10,740 as per the recommendation approved Local Government Remuneration Tribunal which is constituted under Chapter 9, Division 4 of the Local Government Act 1993.

This additional amount of \$23,440 is provided annually by monthly payments in arrears and has been included in the current 2014-2015 budget under Councillor expenses as per s.249(2).

RECOMMENDATION

For Council's determination

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Item 2S Election of Deputy Mayor

Division:	Executive Services
Management Area:	Governance
Author:	Director Corporate Services – Rebecca Ryan
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF4 Council's governance practices and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

Reason for Report

Whilst not a requirement under the NSW Local Government Act (1993) s231, Warrumbungle Shire Council has traditionally elected a Deputy Mayor.

The Act states '*the Councillors may elect a person from among their number to be the Deputy Mayor*' who;

- *may be elected for the mayoral term or a shorter term*
- *may exercise any function of the mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.*

Background

A Councillor may be nominated without notice for election as Deputy Mayor.

The nomination is to be made in writing by two (2) or more Councillors (one of who may be the nominee) and is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered to or sent to the General Manager however a valid written nomination will be accepted up until the announcement of the nominations for the position.

The General Manager is to announce the names of the nominees at the Council meeting at which the election is to be held for the election of Deputy Mayor for forthcoming period.

Issues

The result of the election is to be declared to the Councillors at the Council meeting at which the election is held by the General Manager, and sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

Councillors have enclosed under separate cover a nomination sheet for Deputy Mayor.

Options

If only one Councillor is nominated, that Councillor is elected.

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If more than one councillor is nominated, Council is to resolve whether the election is to proceed by Ballot; which under the Regulations means secret ballot or Open Voting; which means voting by a show of hands or similar means.

In addition, Council also needs to determine if the method of voting is by Preferential Ballot or Ordinary Ballot and the order that candidates will appear on the ballot paper.

Financial Considerations

In past practice the Deputy Mayor is paid an allowance of five hundred dollars (\$500) being part of the Mayoral allowance which is provided annually by monthly payments in arrears. This amount has been included in the current 2014-2015 budget under Councillor expenses along with the Councillor/Member fee of \$10,740.

RECOMMENDATION

For Council's determination

WARRUMBUNGL SHIRE COUNCIL

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Item 3S Delegations of Authority to the Mayor and Deputy Mayor

Division:	Executive Services
Management Area:	Executive Services
Author:	Executive Services Administration Officer - Joanne Hadfield
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF4 Council's governance practices and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

Reason for Report

To update the alignment for the Mayor and Deputy Mayor's delegations with the requirements of legislation as detailed below.

Background

That subject to the requirements of the Local Government Act, 1993, regulation thereunder, any expressed policies of Council or requirements of an Public Authority and pursuant to Section 377 of the Local Government, 1993, the Position of the Mayor and the Deputy Mayor be authorised to exercise or perform on behalf of the Warrumbungle Shire Council the functions, powers, authorities and duties set out in the schedules attached.

Issues

Council maintains a subscription to a delegations database that advises Council of changes to acts and regulations.

Options

Nil

Financial Considerations

Nil

RECOMMENDATION

That Council endorse the following Delegations to the positions of the Mayor and Deputy Mayor.

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WARRUMBUNGL SHIRE COUNCIL

Delegations Mayor

That subject to the requirements of the Local Government Act, 1993, regulations thereunder, any expressed policies of Council or requirements of any Public Authority and pursuant to Section 377 of the Local Government Act, 1993, the Mayor, be authorized to exercise or perform on behalf of the Warrumbungle Shire Council the functions, powers, authorities and duties set out in the schedule hereunder.

Under Legislation – Pursuant to section 225 of the Local Government Act 1993

Mayors Functions – Authority to

- exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the Council.
- exercise such other functions of the council as the council determines
- preside at meetings of the Council.
- carry out the civic and ceremonial functions of the mayoral office.
- to carry out any function conferred on and duty imposed on the Mayor under any act or regulation.
- to carry out the general supervision, control and direction of the General Manager.
- to affix the Common Seal of Council in conjunction with the General Manager or Deputy Mayor to any necessary document pursuant to or consequent upon any decision of Council.
- to respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council.
- approve attendance by Elected Members at Conferences and Seminars etc, within New South Wales and the ACT to a maximum of three (3) days and within budget provisions.
- authorise urgent works up to an amount of \$20,000 where budget funds are available and report that approval to the next Council meeting.
- issue References under Council letterhead.
- promote the area of Council through representations, functions and personal approaches.
- provide Civic Receptions as deemed appropriate by the Mayor.
- use of a Council Corporate Credit Card to a maximum of \$5,000

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Delegations Deputy Mayor

Subject to the requirements of the Local Government Act 1993, and regulations thereunder and any expressed policy of Council or the requirements or regulations under any other Act and pursuant to Section 377 of the Local Government Act 1993, the Deputy Mayor, be authorised to exercise on behalf of Warrumbungle Shire Council the following powers, authorities, duties and functions:

- to carry out the statutory functions of the Mayor and exercise the delegations conferred upon the Mayor whenever the Mayor is absent from the Council area or is otherwise unable to carry out his/her duties.
- to affix the Common Seal of Council in conjunction with the Mayor or General Manager to any necessary document pursuant to or consequent upon any decision of Council.
- to issue References under Council letterhead.

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Item 4S Meeting Schedule 2014-2015

Division:	Executive Services
Management Area:	Governance
Author:	Director Corporate Services – Rebecca Ryan
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF4 Council's governance practices and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

Reason for Report

It has been considered appropriate for Council to agree on a 12 month program of proposed meeting dates and venues for the monthly Council meeting.

The following meeting schedule is proposed for Council consideration for the next 12 months. Meetings will commence at the accepted time of 10.00 am on the third Thursday of every month except for January, and alternating between Coolah and Coonabarabran Council Chambers.

The QBRS will be included as per DLG guidelines for presentation to Council at the November, February, May and August meetings. The Special Council meeting held in September includes the Mayoral and Deputy Mayor elections. The audited Financial Statements are presented to Council by the External Auditor at the October or November meeting.

Background

The Local Government Act (1993) s365 stipulates that the Council is required to meet at least ten (10) times each year, each time in a different month. A number of Council Policies relate to meeting practice being; Code of Conduct and Code of Meeting Practice, which refer to the guidelines provided by NSW Division of Local Government (DLG).

During meetings Councillors have an obligation to;

- Act in accordance with Council's Code of Meeting Practice and the Local Government (General) Regulation 2005 during Council and Committee meetings.
- Show respect to the chair, other Council officials and any members of the public present during Council and Committee meetings or other formal proceedings of Council.

Issues

Whilst the current day time meeting makes it difficult for those Councillors with businesses or full time jobs to participate, driving long distances at night time and the associated risks of hitting kangaroos is the main reason meetings are held during the day.

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The third week of the month is the preferred meeting period, in order for the timely completion of financial reconciliation for the previous month and investment reports being approved for presentation to Council.

This schedule does not include Town Committee meetings, held in November and May each year nor the various Committee meetings, special Council meetings, training, civic functions and other commitments of Councillors.

Options

Council may choose to change the following meeting program;

- Day of the week within the month
- Time
- Venue

Financial Considerations

Council meetings are a normal part of the operations of the organisation, and budgeted for in the 2013-2014 Operational Plan. This includes travel reimbursement costs of Councillors and catering for meals.

RECOMMENDATION

That Council adopts the current Meeting schedule and practice, being the third Thursday of each month, commencing at 10.00 am alternating between the Coolah and Coonabarabran Council Chambers as per the following schedule;

2014

Thursday 16 October	Coonabarabran
Thursday 20 November	Coolah
Thursday 18 December	Coonabarabran

2015

Thursday 19 February	Coolah
Thursday 19 March	Coonabarabran
Thursday 16 April	Coolah
Thursday 14 May	Coonabarabran
Thursday 18 June	Coolah
Thursday 16 July	Coonabarabran
Thursday 20 August	Coolah
Thursday 17 September	Coonabarabran