



Warrumbungle Shire Council

Call to Council Special Council meeting

Thursday, 29 September 2016

**to be held at the Council Chambers, Coonabarabran
commencing at 9.30am**

COUNCILLORS

Councillor Kodi Brady

Councillor Anne-Louise Capel

Councillor Fred Clancy

Councillor Ambrose Doolan

Councillor Wendy Hill

Councillor Aniello Iannuzzi

Councillor Ray Lewis

Councillor Peter Shinton

Councillor Denis Todd

MANAGEMENT TEAM

Steve Loane (General Manager)

Stefan Murru (Director Corporate & Community
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 to the Councillors elect that a special meeting of Warrumbungle Shire Council will be held on Thursday, 29 September 2016 commencing at 9.30am at the Council Chambers, Coonabarabran. Your presence is required to determine the following business.

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.

The business to be transacted relates to the taking of an Oath or making of an Affirmation and election of a Mayor and Deputy Mayor.

This Special meeting will be immediately followed by an introductory Councillor Workshop and at 3.00pm Council's Ordinary Monthly September meeting

Special Meeting Business

- 1S Oath or Affirmation
- 2S Election of Mayor
- 3S Election of Deputy Mayor

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Steve Loane
General Manager

WARRUMBUNGL SHIRE COUNCIL

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Item 1S Oath or Affirmation for Councillors

Division:	Executive Services
Management Area:	Governance
Author:	Manager Administration & Executive Assistant to GM – Sally Morris
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

Reason for Report

On 30 August 2016, recent amendments to the Local Government Act 1993 were assented to. These amendments are outlined in the Local Government Amendment (Governance and Planning) Act 2016. Under Section 233A, Councillors are required to take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.

Background

The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form:

Oath

I [*name of councillor*] swear that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council area*] and the [*name of council*] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

Affirmation

I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council area*] and the [*name of council*] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

Issues

A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with Section 233A is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.

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Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.

If a councillor is absent without leave for three consecutive ordinary council meetings their office is automatically declared vacant and a by-election must be held.

Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.

The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise).

Options

Either an Oath or an Affirmation may be taken.

Financial Considerations

Nil.

RECOMMENDATION

That each individual Councillor take an oath or make an affirmation at this first meeting of the Council.

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Item 2S Election of Mayor

Division:	Executive Services
Management Area:	Governance
Author:	Manager Administration & Executive Assistant to GM – Sally Morris
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

Reason for Report

To set out the process for election of the Mayor by Councillors.

Background

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.*

Under Part (1) of Section 230 of the NSW Local 'government Act (1993):

(1) A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act.

The election of the mayor or deputy mayor by the councillors of an area is to be in accordance with Schedule 7 of the Local Government (General) Regulation 2005. A copy of Schedule 7 has been forwarded to Councillors under separate cover.

The result of the election is to be declared to the Councillors at the Council meeting at which the election is held by the returning officer, and to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales (now known as LGNSW).

Councillors have been sent, under separate cover, a nomination sheet for the Mayoral position.

Issues

As per Schedule 7 of the Local Government Regulations (2005) parts 1-13 the general manager (or a person appointed by the general manager) is the returning officer.

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Nomination process

A Councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two (2) or more Councillors (one of who may be the nominee). The nomination 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 returning officer. The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

Election process

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 Preferential Ballot, by Ordinary Ballot or by Open Voting. The election is to be held at the council meeting at which the council resolves on the method of voting. Details of each method of voting are provided below:

- Ordinary Ballot or Open Voting

If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

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.

If there are three (3) or more candidates, the one with the lowest number of votes is to be excluded. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

If after that, 3 or more candidates still remain, this procedure is to be repeated until only two (2) candidates remain. A further vote is to be taken of the two (2) remaining candidates. If at any stage during this process when two (2) or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

- 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.

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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.

If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates 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 elected.

If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 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.

Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer. The slips are folded by the returning officer so as to prevent the names being seen. The slips are then mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slips is chosen.

Financial Considerations

Nil

RECOMMENDATION

For Council's determination.

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Item 3S Election of Deputy Mayor

Division:	Executive Services
Management Area:	Governance
Author:	Manager Administration & Executive Assistant to GM – Sally Morris
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

Reason for Report'

To set out the process for election of the Deputy Mayor by Councillors.

Background

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

The Section 231 of the Act states:

231 Deputy mayor

- (1) The councillors may elect a person from among their number to be the deputy mayor.*
- (2) The person may be elected for the mayoral term or a shorter term.*
- (3) The deputy mayor 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.*
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

The election of the mayor or deputy mayor by the councillors of an area is to be in accordance with Schedule 7 of the Local Government (General) Regulation 2005.

The result of the election is to be declared to the Councillors at the Council meeting at which the election is held by the returning officer, and to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales (now known as LGNSW).

Councillors have been sent under separate cover a nomination sheet for the Deputy Mayor position.

Council will need to determine the term for the position of Deputy Mayor

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Issues

As per Schedule 7 of the Local Government Regulations (2005) parts 1-13 the general manager (or a person appointed by the general manager) is the returning officer.

A Councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two (2) or more Councillors (one of who may be the nominee). The nomination 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 returning officer. The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

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.

The election is to be held at the council meeting at which the council resolves on the method of voting.

Financial Considerations

In past practice, the Deputy Mayor has been 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 2016/17 budget under Councillor expenses.

RECOMMENDATION

For Council's determination.