



BUSINESS PAPER
EXTRA ORDINARY MEETING
OF COUNCIL

To be held on

Wednesday, 22 December 2021

at

3:00pm

Walcha Council Chambers
2W Hamilton Street, Walcha

Members:

Mr Mark Berry
Mr Kevin Ferrier
Ms Nena Hicks
Mr Scott Kermode
Mr Eric Noakes
Mrs Anne-Marie Pointing
Mrs Aurora Reilly
Mr Gregory Schaefer

Quorum – 5 Members to be Present
WO/2021/04982

Submitted to Council: 22 December 2021

..... General Manager Mayor

AGENDA



Dear Elected Members

You are requested to attend the Extra Ordinary Meeting of the Walcha Council to be held in the Council Chambers, Hamilton Street, Walcha on **Wednesday, 22 December 2021** commencing at **3:00pm**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Barry Omundson'.

Barry Omundson
General Manager

NOTICE:

The Ordinary, Extra-Ordinary and Committee open meetings of Council will be audio recorded for community transparency and minute taking purposes. The audio recording of all Ordinary and Extra-Ordinary Meetings of Council will be uploaded to Council's website.

ACKNOWLEDGEMENT OF COUNTRY:

We acknowledge the Dunghutti people as the traditional owners of the land that we meet on. We pay our respects to the Elders, past, present and emerging. We acknowledge and recognise their continuing connection to land, water and community of which we are a part.

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 - 4.3 Change of Meeting Date for February 2022 WO/2021/05029



Present:

Leave of Absence/s:



Item 2:

Oath by Councillors



Item 3:

Declarations of Interest



Item 4:

Senior Officers'

Reports



Item: 4.1 **Ref:** WO/2021/04965
Title: Election of Mayor & Deputy Mayor
Author: General Manager
Previous Items: Not Applicable
Attachment: No

Community Strategic Plan Reference:

Strategy 8.1.2: *Provide a framework for the efficient and effective administration of Council.*

Introduction:

Section 233(2)(b) of the *Local Government Act 1993* (the Act) states a Councillor and Mayor civic office expires on the day of the Council's Ordinary Election. Section 290 (1) of the Act states the election of the Mayor by the Councillors is to be held:

- (a) *If it is the first election after an ordinary election of councillors – within three weeks after the ordinary election, or*
- (b) *If it is not that first election or an election to fill a causal vacancy – during the month of September.*

Schedule 7 of the Local Government (General) Regulation 2005, provides for the manner in which the Mayor and the Deputy Mayor are to be nominated and elected.

a) Nomination

The Regulation provides that a Councillor may be nominated without notice for the position of Mayor or Deputy Mayor.

The nomination is to be made in writing by two or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee indicates his or her consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer, who is to announce the names of the nominees at the Council Meeting at which the election is to be held.

Councillors will be provided with appropriate nomination forms by the General Manager who, in accordance with the provisions of the Regulation, acts as Returning Officer.

b) Method of Election

If only one Councillor is nominated for each of the positions of Mayor or Deputy Mayor, then that Councillor is elected to the position for which they nominated.

If more than one Councillor is nominated for the position of either Mayor or Deputy Mayor, an election is to be held and the Council must resolve whether that election is to proceed by preferential ballot, by ordinary ballot or by open voting. The election is to be held at the meeting at which Council determines the method of voting.



“Ballot” has its normal meaning of secret ballot and “open voting” means voting by show of hands or similar means.

RECOMMENDATION: That in the event that there is more than one Councillor nominated for each of the positions of Mayor or Deputy Mayor, then the method of election to determine the position(s) be by Ordinary Ballot FURTHER THAT the Returning Officer destroy all documentation following such elections.

The election of Mayor and then Deputy Mayor will now take place by the method of election resolved by Council. The term for the Mayor and Deputy Mayor will be for two years, until September 2023.

RECOMMENDATION: That Councillor is elected Mayor of Walcha and Councillor is elected Deputy Mayor for the ensuing term until September 2023.

DELEGATIONS OF AUTHORITY

Section 377 of the Local Government Act, 1993 provides the authority for Council to delegate its powers. It provides that Council may, by resolution, delegate to the General Manager or any other person or body (excluding another employee of Council) certain of its functions.

Subsequent to those changes, the following authorities are now delegated to the Mayor.

TO THE MAYOR:

To perform on behalf of Council the following powers, authorities, duties and functions within the terms of the Local Government Act and Regulations thereunder:-

1. To appoint any Councillor to represent either the Mayor or the Council at any function or Meeting or other event as the Mayor deems appropriate or necessary.
2. In conjunction with the General Manager to approve the admittance of new Councils in the Mid-North Weight of Loads Group.
3. The authority to adjudicate on or to grant approvals as appropriate under the terms of the adopted Code of Conduct for Local Government provided that in all cases, a right of appeal to the full Council shall exist.
4. The authority to consider and determine Council's response to representations seeking leniency or outlining extenuating circumstances from persons who have been served with a Penalty Notice. This determination shall extend only to those



representations referred through the New South Wales Police Service Infringement Processing Bureau.

5. The authority to approve a mode of travel, other than by Council vehicle, for Councillors travelling on Council business, as circumstances may, from time to time, warrant.
6. In accordance with the provisions of Section 378(2) of the Local Government Act, 1993, authority to approve Council orders for the provision of goods and services up to the amount of two thousand dollars (\$2,000).

In the absence of the Mayor, Councillor, these powers are delegated to the Deputy Mayor, Councillor, EXCEPT for Clause 6..

TO THE DEPUTY MAYOR:

To perform on behalf of Council the following powers, authorities, duties and functions within the terms of the Local Government Act and Regulations thereunder:-

1. During periods of absence of the Mayor, Councillor, the Delegations made to Councillor shall be deemed to be made to the Deputy Mayor, Councillor, EXCEPT for Clause 6.

RECOMMENDATION: That, in accordance with the provisions of Section 377 of the Local Government Act, 1993, the Delegations of Authority listed above be made to the Mayor, Councillor and the Deputy Mayor, Councillor respectively.



Item: 4.2 **Ref:** WO/2021/04986
Title: Countbacks to Fill Casual Vacancies – Post Election
Author: General Manager
Previous Items: Not Applicable
Attachment: No

Community Strategic Plan Reference:

Strategy 8.1.2: Provide a framework for the efficient and effective administration of Council.

RECOMMENDATION: Pursuant to Section 291A(1)(b) of the *Local Government Act 1993* (the Act) Walcha Council **DECLARES** that casual vacancies occurring in the office of a Councillor within 18 months after the last Ordinary Election of Councillors for the Council on 04 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with Section 291A of the Act and directs the General Manager to notify the NSW Electoral Commission of the Council's decision within 7 days of the decision.

Introduction:

Following the 2021 Local Government Elections, Councils will, for the first time, have the option of using a countback of votes cast at the last Ordinary Election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election.

Report:

This will allow Councils the use of countback to fill vacancies at a lower cost than the cost of holding a by-election. To exercise this option Councils must resolve, at their first meeting after the election, to use a countback to fill casual vacancies. This report is to facilitate this option.

Countbacks are not available to fill casual vacancies in the office of a councillor where:

- The councillor who vacated office was elected at an election using the optional preferential voting system (ie: elections where only one civic office is required to be filled such as the election of popularly elected mayors), or
- The councillor was elected at an uncontested election.

A by-election must be used to fill these vacancies.

Legal Implications:

There are no legal implications arising from this report.

Financial Implications:

There would be a financial saving if one of the Councillors from Ward B or D vacated the office as Council would not have to hold a by-election.

Environmental Implications:

There are no environmental implications arising from this report.

Social Implications:

There are no social implications arising from this report.

Policy Implications:

There are no policy implications arising from this report.



Item: 4.3 **Ref:** WO/2021/05029
Title: Change of Meeting Date for February 2022
Author: General Manager
Previous Items: Not Applicable
Attachment: No

Community Strategic Plan Reference:

Goal 8.1: Walcha Council will exemplify good leadership, mutual respect and trust by being inclusive, ensuring open information and communication and encouraging active participation at all levels.

RECOMMENDATION: **That the February 2022 Ordinary Council Meeting be held on Wednesday 16 February 2022.**

Report:

As per Resolution # 63/20202021 Council resolved to

1. not have any Ordinary Meetings of Council in the month of January and
2. that Council will hold one Ordinary Meeting on the last Wednesday of the months from February to November.

Therefore the first scheduled Meeting for 2022 is Wednesday 24 February 2022. In view of there being no January 2022 Meeting it is proposed to bring the February 2022 Council Meeting forward one week to Wednesday 16 February 2022.

Legal Implications:

Legislatively Council must hold 10 Ordinary Council Meetings a year and therefore there are no legal implications arising from this report.

Financial Implications:

There are no financial implications arising from this report.

Environmental Implications:

There are no environmental implications arising from this report.

Social Implications:

There are no social implications arising from this report.

Policy Implications:

There are no policy implications arising from this report.