



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

**Extraordinary Council Meeting
26 September 2017**

CONFLICTS OF INTEREST

A conflict of interest arises when the Mayor or Council staff are influenced, or are seen to be influenced, in carrying out their duties by personal interests. Conflicts of interest can be pecuniary or non-pecuniary in nature.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of a financial gain or loss.

A non-pecuniary interest can arise as a result of a private or personal interest, which does not relate to money. Examples include friendship, membership of an association or involvement or interest in an activity.

The Mayor or staff member who considers they may have a conflict of interest should read Council Policy.

The responsibility of determining whether or not the Mayor or Council employee has a pecuniary or non-pecuniary interest in a matter, is the responsibility of that individual. It is not the role of the Mayor or General Manager, or another Council employee to determine whether or not a person may have a conflict of interest.

Should you be unsure as to whether or not you have a conflict of interest you should err on the side of caution and either declare a conflict of interest or, you should seek the advice of the Director General of Local Government.

The contact number for the Director General of Local Government is 4428 4100.

COUNCIL CODE OF CONDUCT

The Council Code of Conduct is a requirement of Section 440 of the Local Government Act 1993, which requires all councils to have a code of conduct to be observed by the Mayor, members of staff and delegates of the Council attending a Council meeting or a meeting of a committee of Council.

The code of conduct sets out the responsibilities of the Mayor and Council employees attending a Council meeting or a meeting of a committee of Council. The code also sets out how complaints against a Council employee, the Mayor or General Manager are to be made.

COUNCIL CODE OF MEETING PRACTICE

The Council Code of Meeting Practice is a requirement of Section 360(3) of the Local Government Act 1993, which requires all councils to have a code of meeting practice. The code of meeting practice is to be observed by the Administrator, members of staff, delegates of the Council and members of the public attending a Council or a meeting of a committee of Council.

Acknowledgement of Owners of Land

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Walgalu, Southern Ngunnawal and Bidjawal people and their Ancestors past and present who pass on this duty of custodianship of the land to us the current custodians.

We are proud to be Australian and celebrate the diverse backgrounds and cultures that make up our Nation – our Land.

Webcasting

Council meetings are recorded and live streamed to the internet for public viewing. By entering the Chambers during an open session of Council, you consent to your attendance and participation being recorded and streamed on Councils website www.snowymonaro.nsw.gov.au

**EXTRAORDINARY COUNCIL MEETING
TO BE HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW
2630**

**ON TUESDAY 26 SEPTEMBER 2017
COMMENCING AT 5.30PM**

BUSINESS PAPER

- 1. OPENING OF THE MEETING**
- 2. OATH OF OFFICE**
- 3. APOLOGIES/REQUESTS OF LEAVE OF ABSENCE**
- 4. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST**
(Declarations also to be made prior to discussions on each item)
- 5. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION**
 - 5.1 Election of Mayor and Deputy Mayor 2
 - 5.2 Meeting Dates and Times of Council Meetings - September 2017 to September 2018 9
- 6. CONFIDENTIAL MATTERS**
Nil

5.1 ELECTION OF MAYOR AND DEPUTY MAYOR

Record No:

Responsible Officer:	Director Corporate & Community Services
Author:	Manager Corporate/Governance
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1.1.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action:	OP7.8 Ensure that appropriate governance structures are in place enabling open, transparent government.
Attachments:	1. Nomination Form for Election of Mayor ↓ 2. Nomination Form for Election of Deputy Mayor ↓
Cost Centre	Mayor and Council
Project	Annual operational undertaking
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The election of Mayor for the inaugural Snowy Monaro Regional Council is required to be conducted pursuant to Section 225 of the Local Government Act 1993 which states:-
An area must have a mayor who is elected in accordance with this Division.

The Mayor of Snowy Monaro Regional Council is to be elected by the Councillors.

Section 230 of the Local Government Act states:-

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

The term of Council is usually for four years, however, Councils whose elections were held in September 2017 have a three year term to September 2020 to align with the Council election cycle.

Advice from the Office of Local Government is that the Mayor will be elected for a two year term followed by a one year term for this three year term of the Council.

Section 230 of the Local Government Act 1993 states:-

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

(2) A mayor elected by the electors holds the office of mayor for 4 years, subject to this Act.

(3) The office of mayor:

(a) commences on the day the person elected to the office is declared to be so elected, and

(b) becomes vacant when the person's successor is declared to be elected to the office, or on the occurrence of a casual vacancy in the office.

(4) A person elected to fill a casual vacancy in the office of mayor holds the office for the balance of the predecessor's term.

Section 231 of the Local Government Act 1993 states:

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.*

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.

Council's Code of Meeting Practice states:

76 Election of Deputy Mayor and Delegate to Committees

The election of Deputy Mayor, shall by resolution, be elected in accordance with section 231 of the Local Government Act 1993.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. In accordance with Section 255 of the Local Government Act elect a Mayor for the term of two years, ie, from September 2017 to September 2019
- B. In accordance with Section 231 of the Local Government Act elect a Deputy Mayor for the term of two years, ie, from September 2017 to September 2019
- C. Invite nominations for the election of Mayor to September 2019;
- D. Invite nominations for the election of Deputy Mayor to September 2019;
- E. That in the event of there being more than one candidate nominated for either the position of Mayor or Deputy Mayor, an election be held in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and the method of voting be by show of hands.

BACKGROUND

The election of Mayor and Deputy Mayor is also covered by the provisions of Schedule 7 of the Local Government (General) Regulation 2005 which may be viewed at the following link:

[Schedule 7 - Election of Mayor by Councillors](#)

Main points from the legislation are:

- The General Manager (or a person appointed by the general manager) is the Returning Officer.
- Nominations are to be announced and elections are to be conducted at the same council meeting

Note: *The completed nomination form (attached) may be handed to the Returning Officer at the meeting or prior to the meeting.*

Procedure

5.1 ELECTION OF MAYOR AND DEPUTY MAYOR

- A nomination is to be made in writing by two or more councillors, one of whom may be the nominee.
- The nominee must indicate consent to the nomination in writing. If more than one nomination is received the Council must resolve that the election proceed by preferential ballot, ordinary ballot or open voting.
- Preferential ballot and ordinary ballot will be secret ballots.

The Election Procedures will generally be as follows: -

1. Councillors will be called upon by the Returning Officer (General Manager) to submit their written nomination papers.
2. The nominations received will then be announced to the Meeting by the Returning Officer who will request each nominee to confirm his/her acceptance or otherwise.
3. If only one Councillor is nominated and accepts nomination, that Councillor is elected.
4. If there are more candidates than one contesting the Mayoral election, the provisions of Clause 3(2), Schedule 7 of the Local Government (General) Regulation 2005 will take effect.
5. The Council must resolve which method of election will be used, i.e. by preferential ballot, by ordinary ballot (secret ballot) or by open voting (show of hands) and the election must be held at the Council Meeting at which the Council resolves on the method of voting.
6. The former Bombala and Snowy River Shire Councils traditionally resolved that their elections be held by open ballot (show of hands), whereas the former Cooma-Monaro Shire Council resolved that their elections be held by ordinary ballot (secret ballot).
7. If an election by ballot is necessary, the Council will be asked to adjourn for a short time to allow the preparation of ballot papers.
 - (i) When the ballot papers have been prepared, the meeting will be resumed and the ballot papers will be distributed to Councillors for marking.
 - (ii) Upon completion of marking of the ballot papers by Councillors, the papers will be collected by or on behalf of the Returning Officer and a short adjournment will again be necessary to enable the counting of votes.
8. When all voting and the counting has been completed, and the result has been obtained, the Returning Officer will declare the result to the meeting.

Councillors are requested to complete the nomination papers (attached) prior to the meeting to enable them to be delivered or sent to the Returning Officer.

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

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council understands the importance of providing effective and accountable civic leadership from elected leaders. The election of a Mayor is necessary for Council to function. The election of a Deputy Mayor will see that the role of Mayor is fulfilled should the Mayor be unavailable.

2. Environmental

Election of the Mayor and Deputy Mayor will not have a negative impact on environmental sustainability.

3. Economic

Provision for the Mayoral Allowance has been made in the 2018 budget and Council at its meeting held on 24 May 2017 resolved the following:-

That Council

Pursuant to Section 249 of the Local Government Act 1993, Council fix the annual fee for the period 1 July 2017 to 30 June 2018, as the maximum annual amount determined being \$42,120, for payment to the Mayor subject to the deduction there from of such amounts calculated on a daily pro-rata basis, to be paid to the Deputy Mayor in respect of those periods of time when the Mayor is prevented, by absence, illness or otherwise, from acting in the Office of Mayor and the Deputy Mayor is specifically requested to do so by the Mayor. (Resolution Number 90/17 refers).

No additional funding will be required arising out of this report.

4. Civic Leadership

Please note the following sections of the Local Government Act 1993 detailing the roles of Mayor, Deputy Mayor and Councillors.

Section 226 of the Local Government Act 1993 states:-

The role of the mayor is as follows:

- (a) to be the leader of the council and a leader in the local community,*
 - (b) to advance community cohesion and promote civic awareness,*
 - (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,*
 - (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,*
 - (e) to preside at meetings of the council,*
 - (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,*
 - (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,*
 - (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,*
 - (i) to promote partnerships between the council and key stakeholders,*
 - (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,*
 - (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,*
 - (l) to carry out the civic and ceremonial functions of the mayoral office,*
 - (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*
 - (n) in consultation with the councillors, to lead performance appraisals of the general manager,*
 - (o) to exercise any other functions of the council that the council determines.*
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Section 231 of the Local Government Act 1993 states:-

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.*

Section 232 of the Local Government Act 1993 states:-

The role of a councillor

(1) The role of a councillor is as follows:

- (a) to be an active and contributing member of the governing body,*
 - (b) to make considered and well informed decisions as a member of the governing body,*
 - (c) to participate in the development of the integrated planning and reporting framework,*
 - (d) to represent the collective interests of residents, ratepayers and the local community,*
 - (e) to facilitate communication between the local community and the governing body,*
 - (f) to uphold and represent accurately the policies and decisions of the governing body,*
 - (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.*
- (2) A councillor is accountable to the local community for the performance of the council.*
-



SNOWY MONARO REGIONAL COUNCIL

NOMINATION FORM

Election of Mayor

We, the undersigned, herewith nominate -

Councillor _____
(Print full name)

for the position of **MAYOR**

Nominators:

Name: Clr _____

Signature: _____

Date: _____

Name: Clr _____

Signature: _____

Date: _____

I herewith accept nomination for the Snowy Monaro Regional Council

Name: Clr _____

Signature: _____

Date: _____



SNOWY MONARO REGIONAL COUNCIL

NOMINATION FORM

Election of Deputy Mayor

We, the undersigned, herewith nominate -

Councillor _____
(Print full name)

for the position of **DEPUTY MAYOR**

Nominators:

Name: Clr _____

Signature: _____

Date: _____

Name: Clr _____

Signature: _____

Date: _____

I herewith accept nomination for the Snowy Monaro Regional Council

Name: Clr _____

Signature: _____

Date: _____

5.2 MEETING DATES AND TIMES OF COUNCIL MEETINGS - SEPTEMBER 2017 TO SEPTEMBER 2018

Record No:

Responsible Officer:	Director Corporate & Community Services
Author:	Manager Corporate/Governance
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1.1.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action:	OP7.8 Ensure that appropriate governance structures are in place enabling open, transparent government.
Attachments:	Nil
Cost Centre	Mayor and Councillors
Project	Operational Activity

EXECUTIVE SUMMARY

One of the key matters to be dealt with at the inaugural meeting of the Snowy Monaro Regional Council is setting of meeting dates and times for the Council meetings for the next 12 months. During the Administration period, Council meetings were held at 5.30pm on the last Wednesday of the month as discussion with senior staff had identified this as the best time. To enable staff to organise meetings and to advise the community, the meeting date and time for the September and October meetings of Council has been set and advertised at 5.30pm for Wednesday, 27 September and Wednesday, 28 October 2017.

To enable better communication with its community, Council has also resolved to webcast its Council meetings.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- (a) Subject to the right to amend the schedule for any reason from time to time, schedule Council Meetings for the period September 2017 to September 2018 be held on the last Wednesday of each month commencing at 5.30pm at the Cooma Council Chambers.
 - (b) Bring the December ordinary meeting of council forward by one week and this be held on Wednesday 20 December 2017.
 - (c) Determine that no Council meetings be held during the month of January 2018.
-

BACKGROUND

The relevant sections of the *Local Government Act* relating to meetings are:

- *Section 9 - A Council must give notice to the public of the times and places of its Council meetings and Committees of which all the members are Councillors.*
- *Section 365 - The Council is required to meet at least 10 times each year, each time in a different month.*
- *Section 366 - If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an extraordinary meeting to be held as soon as practicable but within 14 days after the receipt of the request.*
- *Section 367 and Clause 31 Meeting Regulations - The General Manager must send to each Councillor, at least 3 days before each meeting of the Council and of a Committee, a notice specifying the time, place and the date of the meeting and the business proposed to be transacted at the meeting. Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.*
- *Section 368 - The quorum for a meeting of Council is a majority of the Councillors who hold office for the time being and are not suspended from office.*
- *Section 369 - The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council. If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.*

Due to the nature of January being a regular holiday period, it is suggested that Council does not hold a meeting in that month.

The former three Councils' Ordinary Council meeting day and times were as follows:-

Bombala Council – third Wednesday of the month at 6.30pm. Bombala Council usually held a meeting in January.

Cooma-Monaro Shire Council – second Monday of the month at 5.30pm – no meeting was held in January.

Snowy River Shire Council – fourth Tuesday of the month – no meeting was held in January. The former SRSC also held a Delivery and Operations Committee meeting on the second Tuesday of the month commencing at 1.00pm.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Establishment of meeting cycles and times for Council and its committees recognises and promotes people's rights and improves the accountability of decision makers as well as giving the community better opportunities for genuine participation and consultation about decisions affecting their lives.

Snowy Monaro Regional Council is committed to engaging with its communities across the region and to facilitate this utilises a number of communication platforms, including Council's website and facebook page. In an innovative move, Council has also recently introduced webcasting of

Council meetings. The use of this technology provides Council with an effective means of communicating information and showcasing its decision making process to a wider geographical audience and negates the need for residents to travel long distances to hear matters pertinent to them.

2. Environmental

Council's consideration and setting of meeting times itself will not have a negative impact on environmental sustainability.

3. Economic

Provision has been made in the 2018 budget for the servicing of Council.

Executive support to Mayor and Council is provided within the salary and wages account of the respective cost centres.

4. Civic Leadership

Council is required by the Local Government Act to meet at least 10 times in each year, in different months.

Council should consider meeting times that best promote and encourage public participation. The introduction of webcasting of Council meetings allows the community to become better informed about the issues that Council deals with.
