



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

**Extraordinary Council Meeting
2 September 2019**

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 Country

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Walgalu, Ngunnawal and Bidhawal people and their Ancestors past and present.

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 MONDAY 2 SEPTEMBER 2019
COMMENCING AT 5:00PM**

BUSINESS PAPER

1. OPENING MEETING

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Leave of absence for this meeting was previously granted to Councillor Old.

4. DISCLOSURE OF INTEREST

(Declarations also to be made prior to discussions on each item)

5. MATTERS DEALT WITH BY EXCEPTION

6. OTHER REPORTS TO COUNCIL

6.1 KEY THEME 4. LEADERSHIP

6.1.1 Election of Mayor and Deputy Mayor 2

6.1.2 Appointment of Delegates for the Period September 2019 to September 2020 9

7. CONFIDENTIAL MATTERS

Nil

6.1.1 ELECTION OF MAYOR AND DEPUTY MAYOR

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Group Manager Governance
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. SMRC Mayor Nomination Form_1 2. SMRC Deputy Mayor Nomination Form_1
Cost Centre	3110

EXECUTIVE SUMMARY

Following the election of Council in September 2017 the Mayor and Deputy Mayor were elected for a period of two years to September 2019,

Council are now required to undertake an election for Mayor and Deputy Mayor for a one year period from September 2019 to September 2020. The election is required to be conducted pursuant to Section 225 and 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. Invite nominations for the election of Mayor to September 2020;
- B. In accordance with Section 255 of the *Local Government Act 1993* elect a Mayor for the term of one year, i.e., from September 2019 to September 2020; and
- C. Invite nominations for the election of Deputy Mayor to September 2020;
- D. In accordance with Section 231 of the *Local Government Act 1993* elect a Deputy Mayor for the term of one year, i.e., from September 2019 to September 2020
- E. 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 ordinary ballot.

BACKGROUND

The election of Mayor for the 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 1993 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.

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](#)

The 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

- 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: -

6.1.1 ELECTION OF MAYOR AND DEPUTY MAYOR

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. 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.
7. 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 required 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

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

4. Civic Leadership

The following sections of the *Local Government Act 1993* details 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.*

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,*
-

6.1.1 ELECTION OF MAYOR AND DEPUTY MAYOR

(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: _____

6.1.2 APPOINTMENT OF DELEGATES FOR THE PERIOD SEPTEMBER 2019 TO SEPTEMBER 2020

Record No:

Responsible Officer:	Acting Director Corporate & Community Services
Author:	Governance Officer
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	10.2 Sound governance practices direct Council business and decision making
Operational Plan Action:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	Nil

EXECUTIVE SUMMARY

Council maintains links with a range of organisations via representation on relevant committees. Representation is usually by appointment of either elected members or members of staff as delegates.

Council needs to determine a representative to these committees by either agreeing to extend the term of the existing Councillor representative or nominate a new representative for the duration of this Council's term, September 2019 to September 2020.

In certain circumstances the Mayor is the designated representative unless the responsibility is delegated. These committees are flagged on the table in the body of the report.

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

OFFICER'S RECOMMENDATION

That Council

- A. Nominate representative/s to those External, Internal and S355 Advisory Committees as determined in Tables A,B and C of this report; and
 - B. Notify the External committees of continued membership by Snowy Monaro Regional Council and its representative; and
 - C. Notify the Internal and S355 Advisory committees of membership; and
 - D. Notify the members of all Section 355 Advisory and Management Committees of their reappointment until September 2020.
-

BACKGROUND

Council are required to determine the representation on the committees included in the tables below for the period September 2019 to September 2020, by either extending the current representation, or nominating new Councillor representatives to the Committees.

At the 16 November 2017 ordinary Council meeting, Council determined the following criteria for S355 Advisory and S355 Management Committees, under resolution 270/17.

<i>Criteria to determine whether Advisory or Management</i>	<i>Advisory Committee</i>	<i>Management Committee</i>
<i>Funding</i>	<i>Council manage the funding.</i>	<i>Management Committee manages their own funding. Council provides assistance with Grant applications</i>
<i>Councillor Representation</i>	<i>At least one Councillor representative that chairs the meeting with an alternate.</i>	<i>Committee may or may not have a Councillor representative.</i>
<i>Council Staff Representation</i>	<i>Relevant staff member/s required on Committee</i>	<i>Committee may or may not have Council staff member/s on the Committee, however relevant liaison staff member is required to be identified.</i>
<i>Committee Representation from Community</i>	<i>Define preferred committee member skills for expression of interest.</i>	<i>Committee members often determined by interest in the facility.</i>
<i>Reporting to Council</i>	<i>Committee reports Quarterly to Council – can choose to report more frequently as required.</i>	<i>Committee reports to Council annually, can choose to report to more frequently as required.</i>
<i>Charter</i>	<i>Required</i>	<i>Required</i>

By appointing delegates, Council is delegating authority to those persons to act on its behalf in accordance with the provisions of s355 (e) of the Local Government Act 1993. The delegation of power by Council is exercised under s377 of the Act. It is further noted Council is precluded under s377 from delegation of its powers to employees other than to the General Manager.

Table A: External Committees

2017 – 2019			2019 – 2020	
External Committees			Nominations	
Committee Name	Current Councillor Representative	Current Alternate Councillor nominated	Councillor Representative	Alternate Councillor nominated
Aboriginal Liaison Committee	Clr Castellari	<i>No alternate nominated</i>		
ANU Medical School - Community Advisory Committee Board	Clr Haslingden	<i>No alternate nominated</i>		
Canberra Region Joint Organisation of Councils (CBRJO)	Mayor & General Manager	N/A	Mayor & General Manager	N/A
Cooma Correctional Centre Community Consultative Committee	Mayor	N/A	Mayor	N/A
Community Safety Precinct Committee	Clr Beer	Clr Corbett		
District Bush Fire Management Committee	Clr Ewart	<i>No alternate nominated</i>		
Monaro Regional Interagency	Clr Castellari	<i>No alternate nominated</i>		
Jindabyne Liquor Accord	Clr Beer	Clr Old		
Southern Monaro Local Emergency Management Committee (LEMC)	Clr Corbett	<i>No alternate nominated</i>		
Southern Monaro Local Emergency Rescue Committee	General Manager	N/A	General Manager	N/A
South East Arts	Clr Haslingden	<i>No alternate nominated</i>		
Boco Rock Community Fund Committee	Mayor and General Manager	N/A	Mayor & General Manager	N/A

6.1.2 APPOINTMENT OF DELEGATES FOR THE PERIOD SEPTEMBER 2019 TO SEPTEMBER 2020

2017 – 2019			2019 – 2020	
Bundian Way Advisory Committee	Clr Castellari	Clr Maslin, Clr Stewart		
Cooma Universities Centre	Clr Maslin	Mayor		
Delegate Progress Association	Clr Haslingden	<i>No alternate nominated</i>		
Southern Joint Regional Planning Panel	Mayor and General Manager	N/A	Mayor and General Manager	N/A
Monaro Housing Taskforce	Clr Beer	<i>No alternate nominated</i>		
Snowy Mountains Neighbourhood Centre	Clr Old	<i>No alternate nominated</i>		
Upper Murrumbidgee Catchment Co-ordinating Committee	Planning staff	N/A		N/A

Table B: S355 Advisory Committees

2017 – 2019			2019 – 2020	
355 Advisory Committees			Nominations	
Committee Name	Current Councillor Representative	Current Alternate Councillor nominated	Councillor Representative	Alternate Councillor nominated
Residential Aged Care	Clr Castellari	<i>No alternate nominated</i>		
Community Care Advisory	Clr Beer	<i>No alternate nominated</i>		
Inclusion Action Committee	Clr Castellari	<i>No alternate nominated</i>		
Arts and Culture	Clr Haslingden	Clr Maslin		
Snowy Monaro Tourism	Clr Beer	Clr Corbett, Clr Maslin		
Yamaga Sister City	Clr Corbett	<i>No alternate</i>		

6.1.2 APPOINTMENT OF DELEGATES FOR THE PERIOD SEPTEMBER 2019 TO SEPTEMBER 2020

2017 – 2019			2019 – 2020	
		<i>nominated</i>		
Snowy Monaro Weeds	Clr Stewart	Clr Haslingden		
Snowy Monaro Cemeteries	Clr Ewart	<i>No alternate nominated</i>		
Recreational Facilities	Clr Castellari, Clr Corbett	Clr Haslingden, Clr Ewart		
Cooma Sale Yards	Clr Miners	<i>No alternate nominated</i>		
Koala Management	Mayor Rooney	<i>No alternate nominated</i>		

Table C: Internal Committees

2017 – 2019			2019 – 2020	
Internal Committees			Nominations	
Committee Name	Current Councillor Representative	Current Alternate Councillor nominated	Councillor Representative	Alternate Councillor nominated
Local Traffic Committee	Clr Miners	<i>No alternate</i>		
Youth Council	Clr Ewart	<i>No alternate</i>		
Green Team	Clr Castellari	<i>No alternate</i>		
Flood Management Plan	Clr Beer	<i>No alternate</i>		
Waste Management Committee	Clr Corbett, Clr Ewart, Clr Miners	N/A		N/A
Water Committee	Mayor Clr Beer, Clr Miners, Clr Maslin	N/A	Mayor +3	N/A
Audit, Risk and Improvement Committee	Clr Maslin	N/A		N/A

S355 Management Committees

Council currently only has one Councillor representative on a S355 Management Committee, Cr Castellari on the Jindabyne Shared Trail Committee.

Following ongoing discussions with S355 Management Committees through the Corporate Governance Officer liaison, a report will be tabled at Council in the next quarter with a recommendation on the potential for increased staff representation on these committees to improve communication and facilitate updates to Council on a more regular basis.

Only the General Manager (s378) may delegate those of his powers to an employee of Council, which have been formally delegated to him by Council.

The list of current S355 Management Committees is listed below for your information.

S355 Management Committee Name
Adaminaby School of Arts Hall
Bibbenluke Hall and Sportsground
Bombala Exhibition Ground Management
Bombala Racecourse and Recreation Ground
Bombala Railway Land Development
Bombala Tennis Club
Bredbo Hall
Bungarby Memorial Hall Preservation
Cathcart School of Arts
Craigie Hall
Dalgety Hall Management Committee
Dalgety Showground (interface)
Delegate & District Pre-School
Delegate Early Settlers Hut
Delegate School of Arts
Delegate Sportsground
Jindabyne Memorial Hall
Jindabyne Shared Trails
Jindabyne Sportsground and Recreation Areas Management Committee

Kybeyan Hall
Michelago Hall
Mila Country Club
Nimmitabel Hall
Nimmitabel Showground Management
North Ridge Reserve
Numeralla Hall
Old Cooma Grasslands Reserve
Peakview Hall
Smiths Road Hall
Numeralla Cemetery
Bredbo Cemetery
Nimmitabel Cemetery

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Appointment of Council delegates to these Community based Committees recognises and promotes people's rights and improve the accountability of decision makers as well as giving people better opportunities for genuine participation and consultation about decisions affecting their lives.

2. Environmental

Council's consideration and appointment of delegates to committees itself will not have a negative impact on environmental sustainability.

3. Economic

Provision has been made in the 2020 budget for the Mayor and Council to undertake civic duties as required. This budget includes representing Council on a number of external and internal advisory committees.

4. Civic Leadership

Delegates generally have voting rights as representatives of Council on such committees, although the extent of this does vary between committees. Delegates have a responsibility to Council, as its representative, to vote in accord with Council policy and to keep Council informed of the activities of the committee in question.
