



EXTRA-ORDINARY MEETING AGENDA

11 January 2022

**Goolgowi Council Chambers
9-11 Cobram Street, Goolgowi**

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Oath or Affirmation for Councillor's

The Local Government Act 1993 S233A requires all Councillors to take an Oath of Office or make an Affirmation of Office at or before the first meeting of Council following the election.

The Oath or Affirmation may be taken or made before the General Manager of the Council, an Australian Legal Practitioner or Justice of the Peace.

It is proposed the Oath or Affirmation be made before the Council meeting and before the General Manager on 11 January 2022.

A Councillor is not entitled to attend any meeting of Council as a Councillor until the Oath or Affirmation is made.

OATH

AFFIRMATION

10.1 Election of Mayor for 2021/24 Term

GOV:MCC:AG

Author: General Manager

Purpose: Outline the process of the election of the Mayor for the 2021/24 term.

Separately Circulated: Nomination paper for the Election of Mayor

Background

In accordance with Section 225 of the *Local Government Act 1993*, the Council area must have a Mayor who is elected and in the case of Carrathool, by the elected Councillors. It has been tradition to elect the Mayor using the ordinary ballot method and the election is undertaken biennially in September in accordance with Section 230(1) of the *Local Government Act 1993*.

Issues

Nil

Financial implications

Nil

Statutory implications (Governance including Legal)

In accordance with Schedule 7 – Part 1 Preliminary of the *Local Government (General) Regulation 2021*, the General Manager is the Returning Officer.

Nominations will be accepted by the Returning Officer (General Manager) until the time the matter is before the Ordinary Council Meeting on Tuesday 11 January 2022 and the Returning Officer declares nominations to have closed.

The election is to be conducted in accordance with the *Local Government (General) Regulation 2021* (Part 1 Preliminaries) Clause 394 of Schedule 7.

Policy implications

Nil

Risk implications

Nil

Community Strategic Plan

Theme 5 Leadership and Governance

Recommendation:

That the Council determine the method of electing the Mayor it being noted that in accordance with Schedule 7 Part 1 Preliminary 3 of the *Local Government (General) Regulation 2021* the method must be either:

- a) **Preferential Ballot**
- b) **Ordinary Ballot**
- c) **Open Voting**

10.2 Election of Deputy Mayor for 2021/24 Term

GOV:MCC:AG

Author: General Manager

Purpose: Outline the process of the election of the Deputy Mayor for the 2021/24 term.

Separately Circulated: Nomination paper for the Election of Deputy Mayor

Background

Nil

Issues

Nil

Financial implications

Nil

Statutory implications (Governance including Legal)

Section 231 of the *Local Government Act 1993* provides that Councils may elect a person from among their number to be the Deputy Mayor. The Councillor may be elected as Deputy Mayor and the normal practice is to coincide the terms of Mayor and Deputy Mayor.

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.

Local Government (General) Regulation 2021

The provisions of the *Local Government (General) Regulation 2021*, apply to the election of the Deputy Mayor in the same manner as they apply to the election of the Mayor.

In accordance with the regulations, the General Manager is the Returning Officer.

Nominations will be accepted by the Returning Officer until the time the matter is before the Ordinary Council Meeting on Tuesday 11 January 2022 and the Returning Officer declares nominations to have closed.

Policy implications

Nil

Risk implications

Nil

Community Strategic Plan

Theme 5 Leadership and Governance

Recommendation:

- 1. that the Council determine the method of electing the Deputy Mayor it being noted that in accordance with Schedule 7 Part 1 Preliminary 3 of the *Local Government (General) Regulation 2021*, the method must be either:

 - a) Preferential Ballot
 - b) Ordinary Ballot
 - c) Open Voting**
- 2. that the period of office for the Deputy Mayor should be for a period of two years.**

10.3 Delegation of Authority to Mayor and Deputy Mayor

GOV:MCC:AG

Author: General Manager

Purpose: To resolve by the Council Delegation to the Mayor and Deputy Mayor

Background

The Council is to consider delegation to the Mayor and Deputy Mayor in legislative compliance with the *Local Government Act 1993*.

By formal resolution, the Council may delegate certain functions of its operations to the Mayor and Deputy Mayor.

Any such delegations granted by the Council are vested in the incumbent, not the position. Where there is a change within any of these positions, then Council must again by formal resolution review and resolve such delegations. However, if the Deputy Mayor is required to act in the position of Mayor he/she assumes those delegations vested in the Mayor.

Delegations granted to the Mayor and Deputy Mayor enable emergency actions or the necessary representations of the Council to be conducted between Council meetings.

There are certain exemptions to the delegations that may be granted by Council detailed in Section 377(1) of the Local Government Act 1993:

1. A council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:
 - (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

2. A council may, by resolution, sub-delegate to the General Manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

Role of the Mayor

Pursuant to Section 226 & 377 of the *Local Government Act 1993*, the role of the Mayor of the Carrathool Shire Council is defined as being inclusive of the functions:

The role of the Mayor is:

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

Delegation of Authority for Mayor

Pursuant to Section 226 & 377 of the *Local Government Act 1993*, as amended, the council can delegate to the Mayor the exercise of other functions of the Council as specified below:

1. To give effect to the provisions of the *Local Government Act 1993*, and any other Act conferring powers of duties upon the Mayor and to any resolution or direction given to the Mayor by the Council.
2. To exercise general direction, control and performance assessment of the General Manager.
3. To sign and execute any documents under the Common Seal of the Council, in conjunction with the General Manager or any other Councillor pursuant to a decision of the Council.
4. To make statements or respond to the media in respect of Council matters.
5. To represent the Council with the General Manager in deputations meetings and other forums where it is appropriate to present Council's position.
6. To authorise urgent or emergency works or activities with expenditure up to \$20,000.
7. To preside at all council meetings, community and public meetings and other forums convened by Council at which the Mayor is present unless this function is otherwise appointed to another councillor or person by the Mayor.
8. To provide Civic Receptions as appropriate.

Delegation of Authority for Deputy Mayor

Pursuant to Sections 231 & 377 of the *Local Government Act 1993* as amended, the Council hereby delegates to the Deputy Mayor the authority to exercise the functions of the Council as specified below:

1. To 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.

Issues

Nil

Financial implications

Nil

Statutory implications (Governance including Legal)
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Local Government Act 1993

Policy implications

Nil

Risk implications

Nil

Community Strategic Plan

Theme 5 Leadership and Governance

Recommendation:

That the delegation of authority for Mayor () and Deputy Mayor () as follows be endorsed by the Council:

Mayor

- 1. To give effect to the provisions of the *Local Government Act 1993*, and any other Act conferring powers of duties upon the Mayor and to any resolution or direction given to the Mayor by the Council.**
- 2. To exercise general direction, control and performance assessment of the General Manager.**
- 3. To sign and execute any documents under the Common Seal of the Council, in conjunction with the General Manager or any other Councillor pursuant to a decision of the Council.**
- 4. To make statements or respond to the media in respect of Council matters.**
- 5. To represent the Council with the General Manager in deputations meetings and other forums where it is appropriate to present Councils position.**
- 6. To authorise urgent or emergency works or activities with expenditure up to \$20,000.**
- 7. To preside at all council meetings, community and public meetings and other forums convened by Council at which the Mayor is present unless this function is otherwise appointed to another councillor or person by the Mayor.**
- 8. To provide Civic Receptions as appropriate.**

Deputy Mayor

- 1. To 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.**

10.4 Delegation of Authority to General Manager

GOV:MCC:AG

Author: General Manager

Purpose: Delegation of Authority to General Manager

Background

For the smooth running of the organisation, formal authority needs to be delegated by Council to the General Manager. Section 377 of the *Local Government Act 1993* allows Council to delegate to the General Manager but not to any other employee of the Council any function except those excluded under this section.

Issues

With the commencement of a new Council it is prudent to inform the Council of this convention in the operational management of the Council's activities.

Financial Implications

Nil

Statutory Implications (Governance including Legal)

Relevant to the *Local Government Act 1993* and Regulations and all other Acts and Regulations imposing a duty power on Council.

Policy Implications

Subject to any limitation imposed by Council Policy.

Risk Implications

Nil

Community Strategic Plan

Theme 5 – Leadership and Governance

Recommendation:

That Council pursuant to Section 377 of the *Local Government Act 1993* delegates to the General Manager all the functions, powers, duties and authorities of the Council that it may lawfully delegate under the *Local Government Act 1993* and under any Act, Regulation, Instrument or Authority that are delegated to Council by any other authority or body subject to:

- 1. function under section 377 (1) of the *Local Government Act 1993* that may be delegated and:**
- 2. any policy of Council that may place any restriction upon the conferred delegations.**

10.5 Committees of the Council

GOV:MCC:AG

Author: General Manager

Purpose: To determine delegates/representatives of Committees for the 2021/24 Term

Background

The Carrathool Shire Council has established a practice of nominating delegates/representatives to external/internal committees and organisations on a biennial basis in September.

Issues

As the Council elections were postponed to 4 December 2021 it was resolved at the September 2021 meeting (with the exception of Cr B Lewis) to re-confirm the appointment of members to the various committees as identified within the enclosed table of committees and delegates up until after the general Council election, where new appointments will be required.

Some of the committees are also considered defunct or no longer relevant. The following table lists the previous delegate/representative and the recommended delegate/representative for the 2022/2024 term, and committees considered obsolete.

Name of Organisation	Details (When, Where etc)	2020/21 Delegates Representatives	2022/24 Delegates Representatives
General Managers Performance Review Committee	Meets Annually.	Mayor Deputy Mayor Cr Furner Cr Campbell	
Bush Fire Management Committee	Meets twice a year.	Cr Kite Cr Peters	
Plant Committee	As required to discuss upcoming major plant purchases	All Council DIS General Manager	
Building Committee	As required to consider Council's building projects	Cr Jardine Cr Fensom Cr Groat Cr Furner DIS General Manager	
Economic Development Committee		Cr Campbell Cr Furner Cr Armstrong Cr Peters General Manager	Economic Development Committee
Roads Committee	As needed to consider annual road programmes	All Councillors DIS General Manager	Roads Committee

Section 355 Committees

Name of Organisation	Details (When, Where etc)	2020/21 Delegates Representatives	2022/24 Delegates Representatives
Goolgowi Hall Management Committee	Meets as & when required	Cr Armstrong	
Rankins Springs War Memorial Hall Management Committee	Meets as & when required	Cr Groat	
Merriwagga Public Hall Management Committee	Meets as & when required	Cr Jardine Cr Armstrong	
Carrathool Memorial Hall & Sports Ground Management Committee	Meets as & when required	Cr Furner Cr Campbell	
Rankin's Springs Recreation Group Management Committee	Meets as & when required	Cr Groat	
Wallanthery Hall Committee	Meets as & when required	Cr Fensom	

Appointment of Delegates

Name of Organisation	Details (When, Where etc)	2020/21 Delegates Representatives	2022/24 Delegates Representatives
Country Public Libraries Association	As requested	Cr Furner Cr Jardine (2 nd) DCCS Library Manager	
Mallee Bush Fire Prevention Scheme	As requested	Cr Peters Cr Fensom (2 nd)	
Murray Darling Association	As requested	Cr Campbell Cr Fensom (2 nd)	
South West Arts Project	As requested	Cr Furner	
Western Riverina Community Library	As requested	Cr Furner Cr Jardine (2 nd)	
Kidman Way Promotional Committee	As requested	Cr Jardine Cr Peters (2 nd) DCCS	
Lachlan Floodplain Management Committee	As requested	Cr Jardine Cr Peters Cr Fensom General Manager DIS	
Outback Regional Tourism Organisation	As requested	Cr Peters DCCS	
Traffic & Development Committee	Meets as & when required	Cr Armstrong Cr Fensom (2 nd) DIS	
Hillston Billylids	As requested	Cr Fensom (2 nd)	
Police Accountability Community Team	Quarterly meetings	Cr Groat Cr Jardine (2 nd) General Manager	
Riverina and Murray Joint Organisation (RAMJO)	Quarterly meetings in Jerilderie	Cr Jardine Cr Groat (2 nd) General Manager	Mayor

Western Division Group of Councils	Annual Conference held in February yearly and one other again throughout the year	Cr Jardine Cr Groat (2 nd) General Manager	Mayor
Country Mayors Association	Quarterly	Cr Jardine General Manager	Mayor

Statutory implications (Governance including Legal)
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Nil

Policy implications

Nil

Risk implications

Nil

Community Strategic Plan

Theme 5 Leadership and Governance

Recommendation:

That Council:

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| <ol style="list-style-type: none"> 1. determine the representation on the various committees using the above table as a guide for committee delegates and representatives. 2. determine which committees are still relevant. |
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