



A CENTRE OF REGIONAL EXCELLENCE

## AGENDA

EXTRA ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

24 SEPTEMBER 2012

AT 7.00pm

---

# AGENDA

---

**PRESENT**

**DECLARATION OF INTEREST**

**CORRESPONDENCE AND REPORTS**

General Managers Reports

---

---

# TABLE OF CONTENTS

---

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>3</u>
<u>ITEM-1</u>	<u>GM - 24/09/12 - NOMINATIONS FOR AND ELECTIONS FOR THE POSITION OF MAYOR 2012/13</u>	<u>3</u>
<u>ITEM-2</u>	<u>GM- 24/09/12 - NOMINATION FOR THE ELECTION OF THE DEPUTY MAYOR FOR 2012/13</u>	<u>8</u>
<u>ITEM-3</u>	<u>GM - 24/09/12 - PROPOSED AMENDMENT TO 2012 ORDINARY MEETING SCHEDULE</u>	<u>10</u>
<u>ITEM-4</u>	<u>GM - 24/09/12 - LOCAL GOVERNMENT OF NSW ANNUAL CONFERENCE 2012</u>	<u>11</u>

---

## GENERAL MANAGERS REPORTS

### ITEM-1 GM - 24/09/12 - NOMINATIONS FOR AND ELECTIONS FOR THE POSITION OF MAYOR 2012/13

---

#### SUMMARY

Council is, each year required, to elect a Mayor. This report provides the procedure for the election of Mayor for the coming 12 month period.

#### COMMENTARY

Where the Mayor is elected by the councillors the Council is required each year to elect a Mayor to preside over the Council for the ensuing 12 month term.

As described by Section 230(1) a mayor elected by councillors holds office for one year, subject to the Act.

Section 290(1)(b) of the Act requires the election of the mayor to be conducted at a meeting held during the month of September.

#### **290 When is an election of a mayor by the councillors to be held?**

- (1) *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 3 weeks after the ordinary election, or*
  - (b) *if it is not that first election or an election to fill a casual vacancy-during the month of September, or*
  - (c) *if it is the first election after the constitution of an area-within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or*
  - (d) *if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors-within 14 days after the appointment or election of the councillors.*
- (2) *If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.*
- (3) *For the purposes of this section, an election of councillors does not conclude until the declaration of election of all the councillors of the council concerned.*

The election is to be conducted by the General Manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

The Mayoral Fee presently paid by Lithgow City Council is \$20,300pa plus private use of a motor vehicle with a lease fee of \$2,255pa. This is paid in addition to the fees paid to a councillor (being \$9,585pa).

### **Nominations**

Nominations are now invited for the Office of Mayor for the 2012/13 term (until September 2013). The elections of Mayor of Lithgow City Council must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Mayor of Lithgow City Council is elected by the councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of Mayor.

### **Returning Officer**

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

### **Nomination**

A councillor may be nominated without notice for election as Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom 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 or sent to the Returning Officer, who shall announce the names of the nominees at the Council meeting at which the election is to be held.

### **Election**

If only one councillor is nominated for the position of Mayor, that councillor is elected. If more than one councillor is nominated Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means). The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In **all** other matters open voting must be used. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

### **Ordinary Ballot**

1. 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.
2.
  - a) If there are only 2 candidates, the candidate with the higher number of votes is elected.
  - b) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
3.
  - a) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

- b) 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.
- c) If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) *is to be repeated until only 2 candidates remain.*
- d) A further vote is to be taken of the 2 remaining candidates.
- e) Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- f) If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

### **Open Voting**

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

### **Preferential Ballot**

1. This part applies if the election proceeds by preferential ballot.
2. 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.

### **Count for Preferential Ballot**

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the un-exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
3. 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 un-exhausted 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.
4. In the clause “absolute majority” in relation to votes means a number which is more than one-half of the number of formal un-exhausted ballot papers.

### **Preferential Voting - Tied Candidates**

1. 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.

2. 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.

### **General**

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 mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

### Notes:

- (i) Nomination forms for the position of Mayor and Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Extra-Ordinary Council Meeting scheduled for Monday 24 September 2012 **OR** at this Extra-Ordinary Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (iii) "Open Voting" means voting by a show of hands or similar means;
- (iv) "Ballot" has its normal meaning of secret ballot; and
- (v) "Ordinary Ballot" means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

Nomination forms for the position of Mayor are coloured **BLUE** and are enclosed with the business paper and will also be available at the Extra-Ordinary Meeting of Council.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee (s). If necessary, an election will then be conducted as per the decision made on the previous report.

Section 290 (1)(b) of the Local Government Act requires Council to hold the election for the position of Mayor by the Councillors during the month of September. By virtue of this report and the recommendation is contained therein, Council will have satisfied its requirements under the Local Government Act.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Nomination Forms (blue)

## **RECOMMENDATION**

**THAT** Council:

1. Proceeds with the election of the Mayor; and
2. Determines whether the vote is to proceed by ordinary ballot, preferential ballot or by open voting.



**ITEM-2            GM- 24/09/12 - NOMINATION FOR THE ELECTION OF THE DEPUTY  
MAYOR FOR 2012/13**

---

**REFERENCE**

NIL

**SUMMARY**

Council may, each year, elect a Deputy Mayor. This report provides the procedure for the election of the Deputy Mayor for the coming 12 month period.

**COMMENTARY**

Councillors **may** elect one from their number to be the Deputy Mayor. The person may be elected for the Mayoral term or a shorter one (s.231).

The Deputy Mayor's role is to exercise any function and delegation of the Mayor:-

- i) At the request of the Mayor; or
- ii) If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- iii) If there is a casual vacancy in the Office of Mayor.

This Council in the past has elected a Deputy Mayor for a term of 12 months, i.e. September to September.

The procedure for the election of Deputy Mayor is the same as the procedure for the election of Mayor.

Additional fees, if any, for holding the position of Deputy Mayor are to be **deducted** from payments to the Mayor. No fees are presently paid by Council for the holder of the position of Deputy Mayor.

Nominations forms for the position of Deputy Mayor are coloured **GREEN** and are enclosed with the business paper and will also be available at the Extra-Ordinary Meeting of Council.

The Returning Officer will call for final lodgement of nominations at this meeting. After the final call for nominations, the Returning Officer will announce the names of nominee(s). If necessary an election will then be conducted.

Section 231 of the Local Government Act 1993 provides that the Councillors may elect a person from among their number to be the Deputy Mayor. The term may be for the Mayoral term or a shorter term. It has been common practice at Lithgow City Council for the position of Deputy Mayor to be exactly the same length of time as the position of Mayor as determined in Section 231 (2) of the Local Government Act 1993.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Nomination Forms - Green

**RECOMMENDATION**

**THAT Council:**

1. Notes the report on the appointment of and procedure for the election of a Deputy Mayor;
2. Resolves that a Deputy Mayor is to be elected from its number for the Mayoral term;
3. Holds an election for the position of Deputy Mayor on the same basis as for the Mayoral position; and
4. Determines the fee that is to be paid to the Deputy Mayor, if any.

**ITEM-3            GM - 24/09/12 - PROPOSED AMENDMENT TO 2012 ORDINARY MEETING SCHEDULE**

---

**SUMMARY**

Council's Ordinary Meetings are scheduled generally on a three weekly cycle and usually held on a Monday. This poses a problem in the month of October with the meeting scheduled for Monday 29th October 2012 coinciding with the Local Government Association Conference being held from Sunday 28th October to Tuesday 30 October 2012.

**COMMENTARY**

Council's October 2012 Ordinary Meeting of Council is scheduled for Monday 29th October 2012. Unfortunately this clashes with the Local Government Association Conference and Council typically has four representatives at the Conference.

A new schedule of meeting dates for the remainder of the year now needs to be adopted. The proposed schedule is as follows;

- 8 October 2012
- 5 November 2012
- 26 November 2012
- 17 December 2012

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council hold its remaining Ordinary Council meetings for 2012 at 7.00pm on:

- 8 October 2012
- 5 November 2012
- 26 November 2012
- 17 December 2012

**ITEM-4            GM - 24/09/12 - LOCAL GOVERNMENT OF NSW ANNUAL  
CONFERENCE 2012**

---

**REFERENCE**

Min No. 12-283:            Ordinary Meeting of Council 13 August 2012

**SUMMARY**

The Local Government Association is an association of councils representing metropolitan and large regional councils to provide leadership and advocacy for the benefit of the community. Over 600 delegates from member councils as well as representatives of County Councils meet to discuss and set policy for the coming year.

This year Dubbo City Council will be host of the 2012 LGA Conference to be held from Sunday 28 October to Tuesday 30 October 2012.

**COMMENTARY**

All NSW Councils were invited to submit motions to the Conference for consideration.

Motions were to be submitted by close of business on Wednesday 15th August 2012. At its Ordinary meeting of Council held on 13 August 2012 it was resolved that Council submit the following motion to the annual conference of the Local Government Association of NSW:

*"That the association call on various levels of government to condition mining developments, except those considered remote, so as to prevent Fly-in Fly-out/Drive-in Drive-out employment arrangements".*

Council's are able to send delegates and observers to the Conference. Lithgow City Council is able to appoint three (maximum Lithgow allocation) voting delegates plus observers to attend the 2012 LGA Conference. The delegates are to be three current councillors, one typically is the Mayor and the General Manager typically attends as an observer.

With the recent voting for One Association this will be the last conference of the NSW Local Government Association as we know it. Future conferences will be of the one Local Government Association for NSW councils.

**POLICY IMPLICATIONS**

This is an opportunity for Council to influence NSW Local Government Association Policy.

**FINANCIAL IMPLICATIONS**

The costs of four people attending the conference is \$4,356 for registration plus accommodation (accommodation costs are not available at this time).

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council appoint three councillors, one of whom is the Mayor, as voting delegates to the Conference.