



EXTRAORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

15 September 2017

His Worship the Mayor & Councillors

**Notice of Extraordinary Meeting of Bathurst Regional Council -
Wednesday, 20 September 2017**

I have to advise that an **Extraordinary Meeting** of Bathurst Regional Council - Election of Mayor and Deputy Mayor - will be held in the Council Chambers on Wednesday, 20 September 2017 commencing at 6.00 pm.

A handwritten signature in blue ink, appearing to read 'D J Sherley'.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 20 SEPTEMBER 2017

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. DECLARATION OF INTEREST

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.

4. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

* GENERAL MANAGER'S REPORT

5. MEETING CLOSE

GENERAL MANAGER'S REPORT

EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 SEPTEMBER 2017

1 ELECTION OF MAYOR AND DEPUTY MAYOR (12.00005)

Recommendation: That the information be noted.

Report: 1.1 Chair - this Meeting

Under the Local Government Act 1993, Section 230 (3)(a)&(b) the Mayor continues as Mayor until the election of the new Mayor, and may chair the meeting at which the new Mayor is to be elected.

Clause 236 of the Local Government General Regulation provides that where there is no chairperson present, the first business of the meeting is to be the election of a chairperson. The election can be conducted by the General Manager in accordance with Clause 236 of the Local Government General Regulation.

The election of the Mayor will mean, by way of Section 369 of the Local Government Act 1993, that a person is available to chair the meeting. Section 369 (1) of the Local Government Act 1993 states:

"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."

Accordingly, the first item of business for Council will be the election of the Mayor.

1.2 Election of Mayor and Deputy Mayor

Section 230 (1) of the Local Government Act 1993, provides that; "a Mayor elected by the Councillors holds the office of Mayor for two years, subject to this Act".

There is no prescribed term for the position of Deputy Mayor. It is up to Council to consider whether to set the term of office of the Deputy Mayor to be the same as that of the Mayor, otherwise it would be necessary to hold an election for Deputy Mayor each September.

Section 290 (1)(a) of the Local Government Act 1993, requires that the election of Mayor by Councillors be within three weeks after the ordinary election. Accordingly, this Extraordinary Council Meeting has been called.

Further, Section 290 provides that subsequent elections are to occur during the month of September.

The Local Government (General) Regulation 2005, Schedule 7, prescribes how a Mayor and Deputy Mayor are to be elected.

Nomination forms are at **attachments 1 & 2** for Councillors and may be returned to the General Manager, or handed to the General Manager at the commencement of the Extraordinary Meeting.

The procedure for both elections will be:

1. The General Manager will be the Returning Officer.
2. The General Manager will call for further nominations.
3. Nominations will be closed.
4. The Returning Officer will announce the names of the nominees at the Council meeting at which the election is to be held.

5. If more than one nomination is received, an election will be held.
6. Council will be asked to resolve the form of election, if required, ie ordinary ballot, preferential ballot or open voting.
7. The election is to be held at the Council meeting at which the council resolves on the method of voting.

Nominations

The following process for nomination applies, as per Clause 2 of Schedule 7.

1. A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
2. The nomination is to be made in writing by 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.
3. The nomination is to be delivered or sent to the Returning Officer.
4. The Returning Officer is to announce the names of the nominees at the council meeting at which the election is to be held.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.7

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

2 DELEGATES AND COUNCIL COMMITTEES (12.00002)

Recommendation: That the information be noted and the appointment of Council representation to outside organisations, Committee members and citizen representatives to Council committees be referred to the Ordinary Meeting of Bathurst Regional Council to be held on 27 September 2017.

Report: Public participation in Council's decision-making process is an important issue. This requires a review of Council's delegates and committees, particularly to community organisations.

Councillors are advised that at the Ordinary Meeting of Bathurst Regional Council scheduled for 27 September 2017 at 6pm the following will be addressed:

- The appointment of delegates
- The Committee/Working Party structure
- The appointment of members on Council and Statutory Committees
- Public participation methods

For Councillors information, shown at **attachment 1** is the current schedule of:

- Delegates
- Duty Councillors
- Statutory Committees
- Project & Advisory Committees
- Consortiums

It is intended that, following the meeting of 27 September 2017 the schedule of committee meetings will be prepared and distributed to all Councillors.

Please note: Meeting notices will be sent for all Council and Council Committee Meetings, approximately three days before each meeting date.

A Councillor Retreat has been scheduled for 20-22 October 2017. This session will allow Councillors to have further discussions on public participation in Council decision making.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3

- Objective 23: To encourage a supportive and inclusive community.

Strategy 23.1

Community Engagement

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3 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS (11.00024)

Recommendation: That Councillors take an oath or affirmation of office in accordance with S:233A of the Local Government Act.

Report: Section 233A of the Local Government Act places a requirement on Councillors that they must take an oath of office or make an affirmation of office at or before the first meeting of the Council after the council is elected.

233A Oath and affirmation for councillors

- (1) *A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.*
- (2) *The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form:*

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

- (3) *A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.*
- (4) *Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.*
- (5) *Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.*
- (6) *The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise).*

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.5

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully



D J Sherley
GENERAL MANAGER