



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

BUSINESS PAPER NO 1
ORDINARY COUNCIL MEETING
WEDNESDAY, 23 SEPTEMBER 2020

Notice is hereby given in accordance with the provisions of the *Local Government Act 1993*, and pursuant to Clause 2.3 of Council's Code of Meeting Practice that an **Ordinary Council Meeting** will be held via Zoom and in the RSL Pavilion, Rear of Memorial Hall, Molesworth Street, Tenterfield, on **Wednesday, 23 September 2020** commencing at **9.30 am**.

Terry Dodds
Chief Executive

COMMUNITY CONSULTATION – PUBLIC ACCESS

Community Consultation (Public Access) relating to items on this Agenda can be made between 9.30 am and 10.30 am on the day of the Meeting. Requests for public access should be made to the General Manager no later than COB on the Monday before the Meeting.

Section 8 of the Business Paper allows a period of up to 30 minutes of Open Council Meetings for members of the Public to address the Council Meeting on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of five (5) minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone or in person prior to close of business on the Monday prior to the day of the Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit two (2) speakers in support and two (2) speakers in opposition to a recommendation contained in the Business Paper. If there are more than two (2) speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- Personnel matters concerning particular individuals (other than Councillors);
- Personal hardship of any resident or ratepayer;
- Information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - Prejudice the commercial position of the person who supplied it, or
 - Confer a commercial advantage on a competitor of the Council; or
 - Reveal a trade secret;
- Information that would, if disclosed prejudice the maintenance of law;
- Matters affecting the security of the Council, Councillors, Council staff or Council property;
- Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- Alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- On balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order and may be expelled.

CONFLICT OF INTERESTS

What is a "Conflict of Interests" - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary - a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below).

Relatives, Partners

A person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. "Relative", in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

Disclosures to be Recorded (s 453 Act)

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

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## ORDER OF BUSINESS

1. Opening & Welcome
2. Civic Prayer & Acknowledgement of Country
3. Apologies
4. Disclosure & Declarations of Interest
5. Open Council Reports
  - Our Governance

# AGENDA

## WEBCASTING OF MEETING

This meeting will be recorded for placement on Council's website for the purposes of broadening knowledge and participation in Council issues, and demonstrating Council's commitment to openness and accountability.

All speakers must ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms or mentioning any private information.

No other persons are permitted to record the meeting, unless specifically authorised by Council to do so.

## 1. OPENING & WELCOME

### 2. (A) OPENING PRAYER

*"We give thanks for the contribution by our pioneers, early settlers and those who fought in the various wars for the fabric of the Tenterfield Community we have today.*

*May the words of our mouths and the meditation of our hearts be acceptable in thy sight, O Lord."*

### (B) ACKNOWLEDGEMENT OF COUNTRY

*"I would like to acknowledge the traditional custodians of this land that we are meeting on today. I would also like to pay respect to the Elders past, present, and emerging of the Jukembal, Kamilaroi and Bundjalung nations and extend that respect to other Aboriginal people present."*

## 3. APOLOGIES

## 4. DISCLOSURES & DECLARATIONS OF INTEREST

## 5. OPEN COUNCIL REPORTS

## OUR GOVERNANCE

|                 |                                                   |    |
|-----------------|---------------------------------------------------|----|
| (ITEM GOV60/20) | ELECTION OF THE MAYOR - 2020 TO 2021 .....        | 5  |
| (ITEM GOV61/20) | ELECTION OF THE DEPUTY MAYOR - 2020 TO 2021 ..... | 11 |
| (ITEM GOV62/20) | SCHEDULE OF COUNCIL MEETINGS FOR 2020/2021 .....  | 17 |

|                      |                                             |
|----------------------|---------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>        |
| <b>Submitted by:</b> | Chief Executive                             |
| <b>Reference:</b>    | <b>ITEM GOV60/20</b>                        |
| <b>Subject:</b>      | <b>ELECTION OF THE MAYOR - 2020 TO 2021</b> |

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#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                  |                                                                                           |
|------------------|-------------------------------------------------------------------------------------------|
| <b>Goal:</b>     | Council achieves excellence in corporate governance                                       |
| <b>Strategy:</b> | Implement strategies, policies and practice to achieve excellence in corporate governance |
| <b>Action:</b>   | Undertake all legislative requirements of Local Government                                |

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#### **SUMMARY**

The purpose of this report is for Council to elect the Mayor for the proceeding term, being from September 2020 to the Local Government Elections on 4 September 2021.

#### **OFFICER'S RECOMMENDATION:**

- (1) That Ms Kerri Swain, as Returning Officer, call for nominations for the election of Mayor for the one (1) year term September 2020 to the Local Government Elections on 4 September 2021; and**
- (2) Council to determine the form of ballot to be used if so required, conditional on no Councillor attending the meeting via audio visual. If Councillors are attending via audio visual, the vote must be by Open Vote; and**
- (3) Following the election, the Returning Officer declare Cr ..... elected as Mayor for the period September 2020 to the Local Government Elections on 4 September 2021.**

#### **BACKGROUND**

The *Local Government Amendment (Governance and Planning) Bill 2016* included amendments to the Act to change the term of Mayors elected by their Councillor peers from one year to two year terms (s230(1) LGA).

In response to the COVID-19 pandemic, in March 2020 the Minister for Local Government published orders in the Gazette under section 318B of the *Local Government Act 1993* postponing the next ordinary local government elections to 4 September 2020.

In line with this, Office of Local Government Circular 20-29 (attached to the report) outlines the requirements for election of Mayors and Deputy Mayors whose current term expires in September 2020.

The Local Government Elections Regulation stipulates the General Manager (or a person appointed by the General Manager) is the Returning Officer. To this end, the Chief Executive (General Manager) has appointed Ms Kerri Swain, Principal, Jennings & Kneipp Lawyers.

Our Governance No. 60 Cont...

### **REPORT:**

In accordance with the *Local Government Act 1993 and Regulations*, nominations for Mayor must be in writing, signed by two Councillors and the nominee must consent in writing. The nomination and acceptance can be made prior to the meeting.

Any nominations prepared prior to the meeting must be handed to the Returning Officer, Ms Kerri Swain in her capacity as Returning Officer for the election. A Nomination form is included as an addendum to this report.

Schedule 7 of the *Local Government (General) Regulation 2005* prescribes three (3) methods of election of Mayors:

- Open Ballot (eg show of hands and only option open to Council given that by necessity, Councillors will be attending by audio visual)
- Ordinary Ballot, or
- Preferential Ballot

Open ballots can be undertaken remotely where a Council is conducting its meetings by audio visual link.

Ordinary and preferential ballots are secret ballots and Councillors will need to **attend the meeting in person** if the election is to be by way of an ordinary or preferential ballot.

### **Open Voting is by a show of hands – only option open to Council**

If there are two candidates, the person receiving the higher number of votes is declared elected. If there are more than two candidates, the person with the lowest number of votes is excluded and this procedure is repeated until one candidate receives a simple majority of the votes.

### **An Ordinary Ballot is a secret ballot – not possible due to Councillor attendance via Audio Visual**

If there are two candidates, the person receiving the higher number of votes is declared elected. Should there be three or more candidates, the candidate receiving the lowest number of votes is excluded and fresh votes are taken until one candidate remains. A cross (X) against the candidate whose nomination is being supported is all that is required when voting.

### **A Preferential Ballot is a secret ballot and the system can only be adopted if there are more than two candidates – not possible due to Councillor attendance via Audio Visual**

Voting is in order of preference, with votes being marked 1,2,3,4 etc. If a candidate receives more than half of the total votes, that person is declared elected. If not, the person with the lowest number of votes is excluded and their preferences are distributed. This procedure is followed until one candidate receives more than half of the total votes. They are then declared elected.

### **COUNCIL IMPLICATIONS:**

#### **1. Community Engagement / Communication (per engagement strategy)**

N/A

Our Governance No. 60 Cont...

## 2. Policy and Regulation

- NSW Local Government Act 1993;
- NSW Local Government (General) Regulations 2005; and
- Tenterfield Shire Council Code of Meeting Practice.

## 3. Financial (Annual Budget & LTFFP)

Nil.

## 4. Asset Management (AMS)

Nil.

## 5. Workforce (WMS)

Nil.

## 6. Legal and Risk Management

Election procedures covered by the *NSW Local Government Act 1993*, *NSW Local Government (General) Regulations 2005* and the Tenterfield Shire Council Code of Meeting Practice.

Due to attendance of Councillors via audio visual, the vote is limited to an open vote.

## 7. Performance Measures

Nil.

## 8. Project Management

Nil.

**Terry Dodds**  
Chief Executive

|                               |                                                                |         |
|-------------------------------|----------------------------------------------------------------|---------|
| Prepared by staff member:     | Terry Dodds, Chief Executive                                   |         |
| Approved/Reviewed by Manager: | Terry Dodds, Chief Executive                                   |         |
| Department:                   | Office of the Chief Executive                                  |         |
| Attachments:                  | <b>1</b> OLG Circular 20-29 - September 2020 Mayoral Elections | 2 Pages |
|                               | <b>2</b> Mayor - Nomination Form                               | 1 Page  |





|                             |                                                                                                                                                                                                                |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Circular Details</b>     | 20-29 / 4 August 2020 / A713425                                                                                                                                                                                |
| <b>Previous Circular</b>    | 20-25 <i>The date of the next ordinary local government elections is 4 September 2021</i><br>20-28 <i>Rules on attendance at council and committee meetings during the COVID-19 pandemic as of 1 July 2020</i> |
| <b>Who should read this</b> | Councillors / General Managers / Governance staff                                                                                                                                                              |
| <b>Contact</b>              | Council Governance Team/ 02 4428 4100/ <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>                                                                                                              |
| <b>Action required</b>      | Council to Implement                                                                                                                                                                                           |

## September 2020 mayoral elections

### What's new or changing

- Councils that elected mayors in September 2018 must have mayoral elections in September 2020 when the 2-year term of the current mayor expires. The mayor elected in September 2020 will hold their office until ordinary elections are held on 4 September 2021.
- Councils must also hold an election for deputy mayor if the deputy mayor's term has expired and county councils must elect a chairperson.

### What this will mean for your council

- Schedule 7 of the *Local Government (General) Regulation 2005* prescribes three methods of election of mayors:
  - open ballot (eg a show of hands)
  - ordinary ballot, or
  - preferential ballot.
- Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be by way of an ordinary or preferential ballot.

### Key points

- In deciding which method to use for the mayoral election, councils should consider the personal circumstances of their councillors to ensure that all councillors can participate in the mayoral election.
- Councillors may attend council meetings in person under the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020* for the purposes of participating in a mayoral election and staff may attend for the purposes of conducting the election.
- Councils should observe appropriate social distancing when conducting mayoral elections and take any other steps necessary to minimise the risk of infection by the COVID-19 virus and to ensure the health and safety of all attendees.

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
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**Where to go for further information**

- The Office of Local Government has issued a fact sheet on conducting mayoral elections which is available at <https://www.olg.nsw.gov.au/councils/councillors/mayoral-elections/>.
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



**Tim Hurst  
Deputy Secretary  
Local Government, Planning and Policy**

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**TENTERFIELD SHIRE COUNCIL**

**MAYORAL ELECTION – 23 SEPTEMBER 2020**

We hereby nominate Councillor .....

for the office of **MAYOR** for the period 2020 to 2021

1) ..... 2) .....  
(Signature of Nominator) (Signature of Nominator)

I hereby accept and consent to the above nomination.

.....  
(Signature of Nominee)

**Note:** This form should be returned to the Returning Officer, Ms Kerri Swain, Principal, Jennings & Kneipp Lawyers, 199 Rouse Street Tenterfield: Either prior to, or at the commencement of the Ordinary Council Meeting on Wednesday, 23 September 2020.

**TENTERFIELD SHIRE COUNCIL**

**MAYORAL ELECTION – 23 SEPTEMBER 2020**

We hereby nominate Councillor .....

for the office of **MAYOR** for the period 2020 to 2021

1) ..... 2) .....  
(Signature of Nominator) (Signature of Nominator)

I hereby accept and consent to the above nomination.

.....  
(Signature of Nominee)

**Note:** This form should be returned to the Returning Officer, Ms Kerri Swain, Principal, Jennings & Kneipp Lawyers, 199 Rouse Street Tenterfield: Either prior to, or at the commencement of the Ordinary Council Meeting on Wednesday, 23 September 2020.

|                      |                                                    |
|----------------------|----------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>               |
| <b>Submitted by:</b> | Chief Executive                                    |
| <b>Reference:</b>    | <b>ITEM GOV61/20</b>                               |
| <b>Subject:</b>      | <b>ELECTION OF THE DEPUTY MAYOR - 2020 TO 2021</b> |

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                  |                                                                                           |
|------------------|-------------------------------------------------------------------------------------------|
| <b>Goal:</b>     | Council achieves excellence in corporate governance                                       |
| <b>Strategy:</b> | Implement strategies, policies and practice to achieve excellence in corporate governance |
| <b>Action:</b>   | Undertake all legislative requirements of Local Government                                |

#### **SUMMARY**

The purpose of this report is for Council to elect the Deputy Mayor for the proceeding term, being from September 2020 to the Local Government Elections on 4 September 2021.

#### **OFFICER'S RECOMMENDATION:**

- (1) That Ms Kerri Swain, as Returning Officer, call for nominations for the election of Deputy Mayor for the one (1) year term September 2020 to the Local Government Election on 4 September 2021; and**
- (2) Council to determine the form of ballot to be used if so required, conditional on no Councillor attending the meeting via audio visual. If Councillors are attending via audio visual, the vote must be by Open Vote; and**
- (3) Following the election, the Returning Officer declare Cr ..... elected as Deputy Mayor for the period September 2020 to the Local Government Election on 4 September 2021.**

#### **BACKGROUND**

The *Local Government Amendment (Governance and Planning) Bill 2016* included amendments to the Act to change the term of Mayors elected by their Councillor peers from one year to two year terms, however Section 231 (2) of the Act with respect to Deputy Mayor indicates that "*the person may be elected for the Mayoral term or a shorter term*".

At the September 2019 Extraordinary Council Meeting, Council resolved that Cr Greg Sauer be declared as Deputy Mayor for the next 12 months, with term expiring in September 2020.

In response to the COVID-19 pandemic, in March 2020 the Minister for Local Government published orders in the Gazette under section 318B of the *Local Government Act 1993* postponing the next ordinary local government elections to 4 September 2020.

In line with this, Office of Local Government Circular 20-29 (attached to this report) outlines the requirements for election of Mayors and Deputy Mayors whose current term expires in September 2020.

Our Governance No. 61 Cont...

The Local Government Elections Regulation stipulates the General Manager (or a person appointed by the General Manager) is the Returning Officer. To this end, the Chief Executive (General Manager) has appointed Ms Kerri Swain, Principal, Jennings & Kneipp Lawyers.

#### **REPORT:**

In accordance with the *Local Government Act 1993 and Regulations*, nominations for Deputy Mayor must be in writing, signed by two Councillors and the nominee must consent in writing. The nomination and acceptance can be made prior to the meeting.

Any nominations prepared prior to the meeting must be handed to the Returning Officer, Ms Kerri Swain in her capacity as Returning Officer for the election. A Nomination form is included as an addendum to this report.

Schedule 7 of the *Local Government (General) Regulation 2005* prescribes three (3) methods of election of Deputy Mayors:

- Open Ballot (eg show of hands and only option open to Council given that by necessity, Councillors will be attending by audio visual)
- Ordinary Ballot, or
- Preferential Ballot

Open ballots can be undertaken remotely where a Council is conducting its meetings by audio visual link.

Ordinary and preferential ballots are secret ballots and Councillors will need to **attend the meeting in person** if the election is to be by way of an ordinary or preferential ballot.

#### **Open Voting is by a show of hands – only option open to Council**

If there are two candidates, the person receiving the higher number of votes is declared elected. If there are more than two candidates, the person with the lowest number of votes is excluded and this procedure is repeated until one candidate receives a simple majority of the votes.

#### **An Ordinary Ballot is a secret ballot – not possible due to Councillor attendance via Audio Visual**

If there are two candidates, the person receiving the higher number of votes is declared elected. Should there be three or more candidates, the candidate receiving the lowest number of votes is excluded and fresh votes are taken until one candidate remains. A cross (X) against the candidate whose nomination is being supported is all that is required when voting.

#### **A Preferential Ballot is a secret ballot and the system can only be adopted if there are more than two candidates – not possible due to Councillor attendance via Audio Visual**

Voting is in order of preference, with votes being marked 1,2,3,4 etc. If a candidate receives more than half of the total votes, that person is declared elected. If not, the person with the lowest number of votes is excluded and their preferences are distributed. This procedure is followed until one candidate receives more than half of the total votes. They are then declared elected.

Our Governance No. 61 Cont...

### COUNCIL IMPLICATIONS:

#### 1. Community Engagement / Communication (per engagement strategy)

N/A

#### 2. Policy and Regulation

- NSW Local Government Act 1993;
- NSW Local Government (General) Regulations 2005; and
- Tenterfield Shire Council Code of Meeting Practice.

#### 3. Financial (Annual Budget & LTFP)

Nil.

#### 4. Asset Management (AMS)

Nil.

#### 5. Workforce (WMS)

Nil.

#### 6. Legal and Risk Management

Election procedures covered by the *NSW Local Government Act 1993*, *NSW Local Government (General) Regulations 2005* and the Tenterfield Shire Council Code of Meeting Practice.

Due to attendance of Councillors via audio visual, the vote is limited to an open vote.

#### 7. Performance Measures

Nil.

#### 8. Project Management

Nil.

**Terry Dodds**  
Chief Executive

|                               |                                                                |         |
|-------------------------------|----------------------------------------------------------------|---------|
| Prepared by staff member:     | Terry Dodds, Chief Executive                                   |         |
| Approved/Reviewed by Manager: | Terry Dodds, Chief Executive                                   |         |
| Department:                   | Office of the Chief Executive                                  |         |
| Attachments:                  | <b>1</b> OLG Circular 20-29 - September 2020 Mayoral Elections | 2 Pages |
|                               | <b>2</b> Deputy Mayor - Nomination Form                        | 1 Page  |



|                             |                                                                                                                                                                                                                |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Circular Details</b>     | 20-29 / 4 August 2020 / A713425                                                                                                                                                                                |
| <b>Previous Circular</b>    | 20-25 <i>The date of the next ordinary local government elections is 4 September 2021</i><br>20-28 <i>Rules on attendance at council and committee meetings during the COVID-19 pandemic as of 1 July 2020</i> |
| <b>Who should read this</b> | Councillors / General Managers / Governance staff                                                                                                                                                              |
| <b>Contact</b>              | Council Governance Team/ 02 4428 4100/ <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>                                                                                                              |
| <b>Action required</b>      | Council to Implement                                                                                                                                                                                           |

## September 2020 mayoral elections

### What's new or changing

- Councils that elected mayors in September 2018 must have mayoral elections in September 2020 when the 2-year term of the current mayor expires. The mayor elected in September 2020 will hold their office until ordinary elections are held on 4 September 2021.
- Councils must also hold an election for deputy mayor if the deputy mayor's term has expired and county councils must elect a chairperson.

### What this will mean for your council

- Schedule 7 of the *Local Government (General) Regulation 2005* prescribes three methods of election of mayors:
  - open ballot (eg a show of hands)
  - ordinary ballot, or
  - preferential ballot.
- Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be by way of an ordinary or preferential ballot.

### Key points

- In deciding which method to use for the mayoral election, councils should consider the personal circumstances of their councillors to ensure that all councillors can participate in the mayoral election.
- Councillors may attend council meetings in person under the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020* for the purposes of participating in a mayoral election and staff may attend for the purposes of conducting the election.
- Councils should observe appropriate social distancing when conducting mayoral elections and take any other steps necessary to minimise the risk of infection by the COVID-19 virus and to ensure the health and safety of all attendees.

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**Where to go for further information**

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**TENTERFIELD SHIRE COUNCIL**

**ELECTION OF DEPUTY MAYOR – 23 SEPTEMBER 2020**

We hereby nominate Councillor .....

for the office of **DEPUTY MAYOR** for the period 2020 to 2021

1) ..... 2) .....  
(Signature of Nominator) (Signature of Nominator)

I hereby accept and consent to the above nomination.

.....  
(Signature of Nominee)

**Note:** This form should be returned to the Returning Officer, Ms Kerri Swain, Principal, Jennings & Kneipp Lawyers, 199 Rouse Street Tenterfield:  
Either prior to, or at the commencement of the Ordinary Council Meeting on Wednesday, 23 September 2020.

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**TENTERFIELD SHIRE COUNCIL**

**ELECTION OF DEPUTY MAYOR – 23 SEPTEMBER 2020**

We hereby nominate Councillor .....

for the office of **DEPUTY MAYOR** for the period 2020 to 2021

1) ..... 2) .....  
(Signature of Nominator) (Signature of Nominator)

I hereby accept and consent to the above nomination.

.....  
(Signature of Nominee)

**Note:** This form should be returned to the Returning Officer, Ms Kerri Swain, Principal, Jennings & Kneipp Lawyers, 199 Rouse Street, Tenterfield:  
Either prior to, or at the commencement of the Ordinary Council Meeting on Wednesday, 23 September 2020.

|                      |                                                   |
|----------------------|---------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>              |
| <b>Submitted by:</b> | Executive Assistant & Media                       |
| <b>Reference:</b>    | <b>ITEM GOV62/20</b>                              |
| <b>Subject:</b>      | <b>SCHEDULE OF COUNCIL MEETINGS FOR 2020/2021</b> |

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                                 |                                                                                                                                                                           |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>                | <b>Leadership</b> - LEAD 12 - We are a well engaged community that is actively involved in decision making processes and informed about services and activities.          |
| <b>CSP Strategy:</b>            | Maintain strong relationships with all levels of Government and proactively seek involvement in decision making impacting our Shire and the New England Northwest Region. |
| <b>Delivery Plan Action:</b>    | Provide sound and inclusive decisions using the Community Engagement Strategy to guide our interactions.                                                                  |
| <b>Operational Plan Action:</b> | Comply with the regulatory and legislative requirements of Councils as outlined by the Office of Local Government and other bodies.                                       |

#### **SUMMARY**

The purpose of this report is for Council to determine the dates and locations for Council Meetings for the next 12 months, being from October 2020 to September 2021.

#### **OFFICER'S RECOMMENDATION:**

##### **That:**

- (1) Ordinary Council Meetings be held in each month of the calendar year with the exception of January 2021;**
- (2) Council Meetings be held on the fourth Wednesday of the meeting month commencing at 9.30 am, with the exception of December 2020 which will be held on the third Wednesday of the month; and**
- (3) Ordinary Council Meetings be held each month at the Council Chambers in Tenterfield but in the interim until the Chambers are available, at the RSL Pavilion at the rear of the Tenterfield Memorial Hall, with the exception of March 2021 (Torrington) and July 2021 (Drake) subject to ongoing COVID restrictions.**

#### **BACKGROUND**

Due to the deferring of Local Government Elections to 2021 as a result of the COVID-19 regulations, Council should determine the meeting dates for the period October 2020 to September 2021.

#### **REPORT:**

Clause 3.1 of the *Code of Meeting Practice* states "Ordinary meetings of council will be held on the following occasions: the fourth Wednesday of each month, with at least ten (10) Ordinary Meetings being held each year".

Due to the renovations of the Council Chamber, Council resolved in February 2020:

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**Resolution 23/20**

*That Council amend Council Resolution 181/19, Item 3 to read as follows:*

*Ordinary Council Meetings be held each month at the Council Chambers in Tenterfield with the exception of February 2020 (Legume), March 2020 (Torrington), April 2020 (Drake) and May 2020 (RSL Pavilion).*

Unfortunately the situation resulting from the pandemic COVID-19 in March 2020 meant that the March 2020 meeting did not occur (items transferred to the April 2020 Ordinary Meeting) and due to social distancing requirements, and the fact that the Council Chamber remains unfinished, meetings have been held via Zoom and at the RSL Pavilion.

Therefore, it is recommended that meetings be held at the RSL Pavilion until such time that the Council Chamber is available. Further, meetings be scheduled at Torrington (March 2021) and Drake (July 2021) dependent on the removal of COVID restrictions.

**List of Meetings held Outside of Tenterfield**

- November 1996 Urbenville
- November 1997 Liston
- October 1998 Legume
- May 2000 Drake
- May 2001 Legume
- April 2002 Urbenville
- March 2003 Mingoola
- November 2004 Steinbrook
- February 2005 Torrington
- March 2006 Legume
- April 2007 Drake
- 2008 Nil
- April 2009 Urbenville
- July 2009 Mingoola
- February 2010 Wallangarra/Jennings
- March 2011 Torrington
- March 2012 Liston
- March 2013 Urbenville
- March 2014 Legume
- March 2015 Drake
- March 2016 Steinbrook
- February 2017 Torrington
- February 2018 Urbenville
- August 2018 Mingoola
- February 2019 Wallangarra/Jennings
- August 2019 Bolivia

*It should be noted that no meetings were held outside of Tenterfield in 2020 due to COVID-19 restrictions.*

The following schedule of meetings is therefore proposed:

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### **Meetings for 2020/2021**

| <b>Month</b>   | <b>Time/Date</b>                                                                   | <b>Location</b>                              |
|----------------|------------------------------------------------------------------------------------|----------------------------------------------|
| October 2020   | 9.30 am – 28 October 2020                                                          | RSL Pavilion or Council Chamber if available |
| November 2020  | 9.30 am – 25 November 2020                                                         | RSL Pavilion or Council Chamber if available |
| December 2020  | 9.30 am – 16 December 2020<br><i>Early meeting due to the Christmas Close down</i> | RSL Pavilion or Council Chambers             |
| January 2021   | No Meeting                                                                         |                                              |
| February 2021  | 9.30 am - 24 February 2021                                                         | RSL Pavilion or Council Chambers             |
| March 2021     | 9.30 am – 24 March 2021                                                            | Torrington Hall                              |
| April 2021     | 9.30 am – 28 April 2021                                                            | RSL Pavilion or Council Chambers             |
| May 2021       | 9.30 am – 26 May 2021                                                              | RSL Pavilion or Council Chambers             |
| June 2021      | 9.30 am – 23 June 2021                                                             | RSL Pavilion or Council Chambers             |
| July 2021      | 9.30 am – 28 July 2021                                                             | Drake Community Hall                         |
| August 2021    | 9.30 am – 25 August 2021                                                           | RSL Pavilion or Council Chambers             |
| September 2021 | 9.30 am – 22 September 2021                                                        | RSL Pavilion or Council Chambers             |

### **COUNCIL IMPLICATIONS:**

#### **1. Community Engagement / Communication (per engagement strategy)**

Holding meetings in rural locations spread throughout the Shire increases the in-person accessibility to Council Meetings for communities that are geographically dispersed from Tenterfield.

#### **2. Policy and Regulation**

- NSW Local Government Act 1993;
- NSW Local Government (General) Regulations 2005; and
- Tenterfield Shire Council Code of Meeting Practice.

#### **3. Financial (Annual Budget & LTFP)**

N/A

#### **4. Asset Management (AMS)**

N/A

#### **5. Workforce (WMS)**

N/A

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**6. Legal and Risk Management**

N/A

**7. Performance Measures**

N/A

**8. Project Management**

N/A

**Terry Dodds**  
**Chief Executive**

Prepared by staff member: Noelene Hyde, Executive Assistant & Media  
Approved/Reviewed by Manager: Terry Dodds, Chief Executive  
Department: Office of the Chief Executive  
Attachments: There are no attachments for this report.