

8.1. Election of Deputy Mayor

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ATTACHMENTS: Nil

PURPOSE:

To conduct an election for the position of Deputy Mayor, in accordance with Council's Deputy Mayor Policy. In accordance with the Local Government (General) Regulation 2005, the General Manager is the Returning Officer and this item will therefore be facilitated by the Acting General Manager.

EXECUTIVE SUMMARY:

Council's Deputy Mayor Policy and Section 231 of the Local Government Act 1993 states that Council may elect a Deputy Mayor. The Policy provides that the Deputy Mayor will be appointed for a period from 1 October to 30 September, however the legislation provides that the Deputy Mayor may be elected for the Mayoral term or a shorter term.

Nominations must be in writing, in accordance with clause 2 of Schedule 7 of the Local Government (General) Regulation 2005 (The Schedule), a copy of which is attached to the previous report.

Nominations must be provided to the General Manager (via Governance or directly) prior to the commencement of the election. Councillors are encouraged to submit nominations in advance to ensure their validity is confirmed prior to the election. Schedule 7 governs the election of a mayor or deputy mayor by councillors. Schedule 7 governs the election of a mayor or deputy mayor by councillors.

By 1PM on Thursday 15 September 2022 one nomination was received for:

- Councillor Godfrey Santer

Depending on the result of the Deputy Mayoral election it may be necessary for Council to consider Councillor membership of the Audit, Risk and Improvement Committee.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

- 1. THAT** Council resolve to appoint a Councillor to be the Deputy Mayor in accordance with section 231(1) of the Local Government Act 1993
- 2. THAT** an election be held to elect a Deputy Mayor for the period 26 September 2022 to 25 September 2023.
- 3. THAT** Council determine the method of voting as open voting in accordance with Council's Deputy Mayor Policy
- 4. THAT** the Coordinator General, Planning Delivery and Local Government and the Secretary and Chief Executive Officer of Local Government New South Wales be advised of the election result.
- 5. THAT** if required Council is to resolve the two Councillor members of the Audit, Risk and Improvement Committee noting one is to be the Deputy Mayor.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.2 Strong civic leadership and customer focused services

BACKGROUND

Section 231 of the Local Government Act 1993 states that:

- (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.*

Council's *Deputy Mayor Policy* states:

4.4 Appointment - In accordance with Council's Code of Meeting Principles and Practices, the election of the Deputy Mayor (for the period 1 October to 30 September) will take place at the Council meeting held in September annually. Nominations for Deputy Mayor will close on the date advised by staff, the deadline related to the report deadline for the September meeting.

In line with Council's Open Government Policy, elections shall be conducted by open voting unless, at the meeting in which the election is to take place, Council resolves to hold a secret ballot. Should the Council resolve to hold a ballot, ballot papers will be distributed to Councillors. The ballot shall be conducted in accordance with Schedule 7 Part 2 of the Local Government (General) Regulation 2005.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Nomination forms were distributed to all Councillors on 8 September 2022.

The Deputy Mayor will be elected for the period 26 September 2022 to 25 September 2023.

Election procedure

Part 3 of The Schedule 7 in the Regulations provides that if more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

Council's Deputy Mayor Policy (clause 4.4) and past practice has been to elect the Deputy Mayor through open voting. In addition, the Office of Local Government identifies open voting is the most transparent method of voting and as the least bureaucratic method which reflects normal council voting methods.

It is further noted that with the ability of Councillors to attend Council Meetings remotely, open voting is the only mechanism able to be administered while accommodating for remote attendees.

The General Manager or his nominee, conducts the election as the Returning Officer (The Schedule, Part 3)

The result of the election (including the name of the candidate elected as Deputy Mayor) is:

- (a) to be declared to the Councillors at the council meeting at which the election is held by the Returning Officer, and
- (b) to be delivered or sent to the Secretary and the Chief Executive Officer of Local Government NSW. (The Schedule, Part 13)

Membership of Audit, Risk and Improvement Committee (ARIC)

The current Charter of Council's Audit Risk and Improvement Committee allows for four (4) voting members:

- Three independent external members (one of whom is the chairperson.) Recruitment is currently underway for the third member.
- Deputy Mayor/Councillor
- Councillor

On 21 February 2022, Council appointed Councillor William Bourke (as Deputy Mayor) and Councillor Godfrey Santer as its representatives on ARIC.

The next meeting of ARIC is on Friday 7 October prior to the next Council Meeting.

Depending on the result of the Deputy Mayoral election it may be required that Council determine the Councillor members of the Audit, Risk and Improvement Committee.