

COBAR SHIRE COUNCIL



EXTRAORDINARY MEETING AGENDA

THURSDAY 12 SEPTEMBER 2013

~ ORDER OF BUSINESS ~

Business for the meeting will be as follows:

1. Apologies
 2. Declaration of Interests
 3. General Manager's Report – Part A (Action)
 4. Matters of Urgency
-

~ TABLE OF CONTENTS ~

<u>PART A – ACTION</u>	<i>Page Number</i>
Clause 1A – Election of the Mayor and Deputy Mayor.....	4
Clause 2A – Meeting Dates and Times	6
Clause 3A – Delegations of Authority.....	8
Clause 4A – Council Committees/Delegates	10
Reference to Attachments.....	14

CLAUSE 1A – ELECTION OF THE MAYOR AND DEPUTY MAYOR

FILE: C12-1

AOP REFERENCE: 3.1.5

ATTACHMENT: NO

AUTHOR: *General Manager, Gary Woodman*

Background

Section 226 of the Local Government Act 1993 (NSW) provides that the role of the Mayor is:

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

The term of office for the Mayor is for a period of one (1) year and the procedure for election is contained in the Local Government (General) Regulation 2005 (Clause 394 and Schedule 7).

The General Manager or nominee acts as Returning Officer for the election. Section 231 of the Local Government Act 1993 (NSW) provides that Council may also elect a Deputy Mayor and such election is also to be carried out in accordance with the Local Government (General) Regulation 2005. The period of appointment of the Deputy Mayor is consistent with the period of the appointment of Mayor or a shorter term.

The Deputy Mayor may exercise any functions of the Mayor, at the request of the Mayor, or, if the Mayor is prevented by illness, absence or otherwise from exercising the functions, or, if there is a casual vacancy in the office of the Mayor.

Nomination forms for the positions of Mayor and Deputy Mayor were provided to all Councillors electronically on Wednesday 4 September 2013 and a hard copy with Councillor's mail on Thursday 5 September 2013. Nominations for the positions will close at 4pm on Tuesday 10 September 2013.

If more than one (1) Councillor is nominated for each position, Council must resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting. Council's normal practice has been to proceed by ordinary ballot.

It is also appropriate that any ballot papers used in the election of the Mayor and Deputy Mayor be destroyed after the election.

RECOMMENDATION

- 1. That Council note that the General Manager or his nominee is the Returning Officer for the purpose of electing the Mayor and Deputy Mayor.**
- 2. That the period of appointment of the Deputy Mayor be consistent with the period of the appointment of Mayor, being one (1) year.**

-
3. **In the event of more than one (1) nomination that Council conduct the election of the Mayor and Deputy Mayor by ordinary ballot and in accordance with the Local Government (General) Regulations 2005.**
 4. **That following the election the ballot papers used in the election of the Mayor and Deputy Mayor be destroyed.**

CLAUSE 2A – MEETING DATES AND TIMES

FILE: C12-1

AOP REFERENCE: 3.1.5

ATTACHMENT: NO

AUTHOR: *General Manager, Gary Woodman*

Background

The Local Government Act 1993 (NSW) provides that Council is required to hold a minimum of ten (10) meetings per year (each in a different month).

Normally Ordinary Meetings of Council are currently held on the fourth Thursday of each month commencing at 5pm except the December Meeting which would be held on an earlier Thursday of the month to stay clear of the Christmas period (Thursday 12 December 2013) and January where no meeting is held.

In accordance with Council's current Code of Meeting Practice Council shall, by resolution, set the time, date and place of Ordinary Meetings of Council in September each year.

Also in accordance with the current Code of Meeting Practice, agendas for the Ordinary Council Meetings are prepared and distributed on the Thursday afternoon seven (7) days prior to the meeting day.

Council at its meeting on 27 September 2012 resolved to return to having one Ordinary Meeting to be designated to be a Rural Council Meeting per year with the following practicalities:

- October Council Meeting each year in the four (4) year Council's Election cycle would be designated as the Rural Council Meeting;
- The Rural Council Meeting would rotate around the different areas of the Shire in the following order:
 - Euabalong (Euabalong Community Centre) – undertaken November 2012;
 - Nymagee (Nymagee Hall);
 - Mt Hope (Mt Hope Hall);
 - Tilpa (Tilpa Community Hall).
- The day would involve a bus tour of the road network and village/facilities of the respective area commencing in Cobar at 9:00am, lunch at the respective village and the Council Meeting commencing at 2:00pm with the return journey to Cobar ending latest 6:00pm if practical;
- Where practically possible the Agenda would include relevant matter(s) concerning the respective locality and not include Committee of the Whole Closed Council matters;
- Lunch would be provided through the relevant Community Progress Association if practical;
- October date due to it being a reasonable time for heat/cold.

RECOMMENDATION

- 1. That the Ordinary Meetings of Council be held in the Council Chambers commencing at 5pm on the fourth Thursday of each month except for the December meeting which is to be held on the second Thursday of the month to stay clear of the Christmas period and January where no meeting is held and the October Council Meeting to be designated as the Rural Council meeting that will commence at 2:00pm.**

- 2. The Rural Council Meeting be held on a rotating basis through the Council Election cycle as follows:**
 - Euabalong (undertaken November 2012);**
 - Nymagee (October 2013);**
 - Mt Hope (October 2014);**
 - Tilpa (October 2015).**

CLAUSE 3A – DELEGATIONS OF AUTHORITY

FILE: A2-5 AOP REFERENCE: 3.1.5 ATTACHMENT: YES (PAGE 15-20)

AUTHOR: *General Manager, Gary Woodman*

Background

Delegations of Authority are made by councils to ensure the effective day to day operations of the council and in accordance with Section 377 of the Local Government Act 1993 (NSW).

Section 377 of the Local Government Act provides that:

“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, other than the following:

- the appointment of a general manager;
- the making of a rate;
- a determination under section 549 as to the levying of a rate;
- the making of a charge;
- the fixing of a fee;
- the borrowing of money;
- the voting of money for expenditure on its works, services or operations;
- 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);
- the acceptance of tenders, which are required under this Act to be invited by the council;
- the adoption of a operational plan under section 405;
- the adoption of a financial statement included in an annual financial report;
- a decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for carrying out of any such work;
- 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;
- the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194;
- a decision under section 356 to contribute money or otherwise financial assistance to persons;
- the making of an application, or the giving of a notice, to the Governor or Minister;
- this power of delegation;
- any function under this or any other Act that is expressly required to be exercised by resolution of the council.”

Council provided new delegations to the new General Manager at its meeting on the 22 July 2010 and these are detailed in the attachments to this agenda.

The current delegations to the Mayor and Deputy Mayor are also detailed in the attachments.

Delegations for the Mayor, Deputy Mayor and General Manager were confirmed at the Extraordinary Meeting of Council on 9 September 2010 and 8 September 2011 and the Council Meeting on 27 September 2012.

It is appropriate to review and endorse the Delegations of Authority given to the Mayor, Deputy Mayor and General Manager.

RECOMMENDATION

That the Delegations of Authority for the Mayor, Deputy Mayor and General Manager be confirmed.

CLAUSE 4A – COUNCIL COMMITTEES/DELEGATES

FILE: C6-15 AOP REFERENCE: 3.2.2.2 ATTACHMENT: YES (PAGE 21)

AUTHOR: *General Manager, Gary Woodman*

Background

The Local Government (General) Regulations 2005 provides for the establishment of committees:

1. A council may, by resolution, establish such committees as it considers necessary (Standing Committees).
2. A Standing Committee is to consist of the Mayor and such other councillors as elected by the councillors or appointed by the council.
3. The quorum for a meeting of a Standing Committee is to be:
 - (a) such number of members as the council decides, or
 - (b) if the Council had not decided a number - a majority of the members of the committee.

Council's current Standing Committees meet on the second Thursday of the month commencing at 5.00pm as detailed below with the agendas being distributed one week prior to the meeting dates. Council may wish to review the meeting dates and times for the Standing Committees.

Standing Committees of Council

1. Finance and Policy (monthly February to November) Whole of Council
2. Works (monthly February to November) Whole of Council

Delegates to other Committees/Organisations

Council currently is involved in the following Committees/Organisations but may wish to consider if it wishes to retain involvement in all of them.

Included in the attachments to this agenda is a list of the various Committees/Organisations to which Council in 2012/2013 appointed delegates. A summary of Committees/Organisations that Council participates in and provides a delegate for are detailed in the following table. Different from previous years is that the relevant Rural Fire Service Committees have also been included.

Committee/Organisation	No. of Delegates	Current Delegates
Local Traffic	1 Delegate	Clr Kings
Mallee Bushfire Prevention	1 Councillor	Clr Sinclair
Western Division Group	Whole of Council	All Councillors
Orana Regional Organisation of Councils	Mayor, General Manager	Mayor, General Manager

Barwon Darling Water Inc. (Mungindi – Menindee Advisory Council Inc.)	2 Councillors	Clrs Isbester, Marsden
Wool Track Development Advisory	Mayor + 4 Councillors	Mayor, Clrs Martin, Sinclair, Yench, Maxwell
Kidman Way Promotion	4 Councillors	Clrs Martin, Yench, Smith, Toomey
Tourism Advisory Committee	4 Councillors	Clrs Martin, Yench, Smith, Toomey
Outback Arts	2 Delegates	Isbester (Alternate) Special Projects Officer
Mt Grenfell Board of Management	1 Councillor	Clr Toomey, Yench (Alternate)
Macquarie Valley Weeds Advisory	1 Councillor	Clr Yench
Lachlan Valley Weeds Advisory	1 Councillor	Clr Maxwell
Liquor Accord	Mayor, 1 Councillor General Manager	Mayor, Clr Marsden, General Manager
Murray Darling Association	2 Councillors	Clrs Marsden, Yench
Youth Council	3 Councillors, staff member, General Manager	Clr Marsden, Smith, Toomey, General Manager, staff member to be determined by the General Manager
Australia Wide Rural Roads Group	1 Councillor, 1 Clr alternate	Clr Sinclair, Maxwell (Alternate)
Regional Development Australia - Orana Board	1 Delegate	Clr Yench
Lower Macquarie Water Utilities Alliance Board	Mayor, General Manager	Mayor, General Manager
Rural Roads Advisory	Whole of Council	All Councillors
Cobar Water Board	3 Councillors	Clrs Yench, Brady, Kings
Ward Oval Sports Advisory Board	Mayor, 2 Councillors	Mayor, Clrs Marsden, Toomey
Association of Mine Related Councils	Mayor, General Manager	Mayor, General Manager
Internal Audit	2 Councillors not being the Mayor	Clr Isbester, Sinclair
Western Regional Joint Planning Panel	2 Members, 1 Alternate	Clr Sinclair, Mr Kevin Ryan, Clr Isbester (Alternate)
Airport Advisory Committee	3 Councillors	Clrs Martin, Marsden, Kings
Skate Park Facility Steering Committee	3 Councillors	Clrs Marsden, Smith Toomey
Cobar War Memorial Hostel	1 Councillor	Clr Marsden

Committee/Organisation	No. of Delegates	Current Delegates
Cobar Cemetery	1 Councillor	Clr Brady, Smith
General Manager's Review	Mayor, Deputy Mayor, 2 Councillors	Mayor, Deputy Mayor, Clrs Martin, Isbester (subject to General Manager's nomination)
Hera Mine Consultative Committee	1 Councillor	Clr Marsden
Cobar Shire Bush Fire Management	Mayor, Council Officer Representing the Environmental Section, Council Officer Representing the Roads and Maritime Services	Mayor, Director of Planning and Environmental Services, Works Manager
Cobar Shire Rural Fire District Service Agreement Liaison	Mayor, 1 Councillor, General Manager or his nominee	Mayor, Clr Greg Martin, Director of Engineering Services

The General Manager's Review Committee in accordance with the General Manager's Contract of Employment consists of the Mayor, Deputy Mayor, a Councillor appointed by Council (currently Clr Martin) and a Councillor nominated by the General Manager (currently Clr Isbester). It is no longer a Standing Committee of Council.

RECOMMENDATION

- 1. That Council adopt the Committees and Committee Structure as detailed in this report.**
- 2. That Council confirm the quorum for the Finance and Policy and Works Committees as five (5) Councillors.**
- 3. That Council confirm the meeting time and date for the Standing Committees as 5.00pm on the second Thursday of the month. Except for the month of December and January where no meetings will be held.**
- 4. That Council determine its delegates for each of the listed Committees/Organisations and where an election is required it be by open voting by show of hands.**

ATTACHMENTS



EXTRAORDINARY MEETING AGENDA

THURSDAY 12 SEPTEMBER 2013

~ REFERENCE TO ATTACHMENTS ~

PART A – ACTION

Page Number

Clause 3A – Delegations of Authority	15-20
Clause 4A – Council Committees/Delegates	21