

Richmond
Valley
Council



MINUTES

**Extraordinary Council Meeting
18 January 2022**

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**MINUTES OF RICHMOND VALLEY COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 18 JANUARY 2022 AT 5.00PM**

Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey, Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Patrick Deegan and Cr Debra McGillan.

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Community Service Delivery), Ryan Gaiter (Director Organisational Services), Ben Zeller (Director Projects & Business Development), Jenna Hazelwood (Leader Strategy), Julie Clark (Personal Assistant to the General Manager and Mayor), Kate Allder-Conn (Governance Coordinator) and Simon Breeze (IT Support Officer).

1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."

2 PRAYER

The meeting opened with a prayer by the General Manager.

3 APOLOGIES

Nil

4 DECLARATION OF INTERESTS

Nil

5 GENERAL MANAGER'S REPORTS

5.1 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

EXECUTIVE SUMMARY

One of the first duties for newly elected Councillors is to take the Oath or Affirmation of Office, required under the *Local Government Act 1993*. The Oath or Affirmation is a public statement by each Councillor, affirming their commitment to undertake their duties in the best interests of the people of the Richmond Valley and to faithfully and impartially carry out their functions, powers, authorities and discretions vested under NSW legislation to the best of their ability and judgement. The General Manager must ensure that each councillor (including the mayor) makes an oath or affirmation at, or before, the first meeting of the council following the Local Government Election.

RESOLUTION 180122/1

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That, in accordance with s233A of the *Local Government Act 1993*, a record is made of the taking of the Oath or Affirmation by each of the seven newly elected Councillors at the commencement of this meeting.

The following record is made of the taking of the Oath or Affirmation by individual Councillors at the commencement of this meeting.

Cr Debra McGillan, Cr Sam Cornish and Cr Stephen Morrissey took the Oath.

Oath

I, Councillor (... please state full name ...), swear that I will undertake the duties of the office of councillor in the best interests of the people of the Richmond Valley community and Richmond Valley 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.

Cr Robert Mustow (Mayor), Cr Robert Hayes, Cr Patrick Deegan and Cr Sandra Humphrys took the Affirmation.

Affirmation

I, Councillor (... please state full name ...), 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 the Richmond Valley community and Richmond Valley 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.

CARRIED

5.2 ELECTION OF DEPUTY MAYOR

EXECUTIVE SUMMARY

Section 231 of the *Local Government Act 1993* (The Act) provides that the Councillors may elect a deputy mayor for the mayoral term or for a shorter term. 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.

Schedule 7 of the *Local Government (General) Regulation 2021* (The Regulation) outlines the method of conducting the election of Deputy Mayor. Under the Regulation, nominations for the position of Deputy Mayor are to be made in writing by two or more councillors (one of whom may be the nominee) and delivered to the returning officer.

If more than one candidate is nominated, the Regulation provides for the election to be conducted by either preferential ballot, ordinary ballot or open voting. Following public declaration of the election result, nomination forms and any ballot papers used in the election may be destroyed.

It is recommended that the method of conduct for the election of Deputy Mayor be by open voting.

RESOLUTION 180122/2

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

Recommended that:

1. Council elects a Deputy Mayor for a one-year period.
2. Nominations for the position of Deputy Mayor be submitted in accordance with the *Local Government (General) Regulation 2021*, Schedule 7.
3. The method of conduct for the election of Deputy Mayor be by open voting.
4. Following declaration of the election result, nomination forms be destroyed.

CARRIED

The General Manager, as Returning Officer for the election, advised that he had received one nomination for the position of Deputy Mayor from Cr Morrissey. The General Manager provided an opportunity for further nominations from the floor, however none were submitted.

There being no further nominations, Cr Morrissey was declared elected as Deputy Mayor for a period of one year.

5.3 MAYORAL DELEGATION

EXECUTIVE SUMMARY

Section 226 of the *Local Government Act 1993* sets out the role of the Mayor. To give effect to the role of the Mayor, Council adopted the Mayoral delegation at the 17 September 2013 Ordinary Meeting and this was subsequently confirmed by the 2016-21 Council.

The 2022-24 Council may wish to continue this practice.

RESOLUTION 180122/3

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council endorses the following delegations to the Mayor:

1. That Council authorises the Mayor to exercise policy-making functions between meetings (in cases of necessity).
2. That Council delegates authority to the Mayor to approve leave of absences for the General Manager.
3. That Council delegates to the Mayor an allowance of \$20,000 maximum expenditure between meetings for use in the event of an emergency; and the details of such expenditure be reported at the next Council Meeting.

CARRIED

5.4 COUNCIL COMMITTEES AND DELEGATES

EXECUTIVE SUMMARY

Richmond Valley Council has a range of committees that contribute to its operations, activities and functions. Council also has delegate commitments to external organisations.

Generally, appointments to essential committees and organisations are determined at the first meeting of the newly elected Council. This includes:

- Electing Council's two delegates to Rous County Council
- Selecting Council's representative on the Richmond Valley Council Local Traffic Committee
- Determining Council's representative on the Arts Northern Rivers Board.

County council elections are conducted under the provisions of the *Local Government Act 1993* and the Local Government (General) Regulation 2021, with the matter being determined by preferential ballot. However, a recent amendment to s285 of the Act has resulted in some unintended anomalies for county council elections for the 2022-24 term. The Office of Local Government is working to correct this problem. However, in the meantime, it will be necessary to conduct a separate ballot for each Rous delegate, should more than two nominations be received.

RESOLUTION 180122/4

Moved: Cr Sam Cornish

Seconded: Cr Stephen Morrissey

That Council:

- 1) Appoints Councillor representatives/delegates to the following committees or organisations:
 - Rous County Council – two Councillors
 - Richmond Valley Council Local Traffic Committee – one Councillor
 - Arts Northern Rivers (one representative and alternate);
- 2) The General Manager conducts the elections for the above positions in line with the requirements of the *Local Government Act* and Regulation, as set out in this report;
- 3) Notes the appointment of the Mayor as Council's representative on the Northern Rivers Joint Organisation Board for the 2022-24 term; and
- 4) Notes that a review of other committee appointments, including Council's Internal Audit and Risk Committee, will be brought to a future meeting of Council.

CARRIED

Council proceeded to appoint Councillor representatives/delegates to Rous County Council, Richmond Valley Council Local Traffic Committee and Arts Northern Rivers.

The General Manager, as Returning Officer for the election of delegate positions on Rous County Council, advised that nominations had been received from Cr Mustow and Cr Humphrys. The General Manager provided an opportunity for further nominations from the floor, however none were received. As there were the same number of nominations as there were places on Rous County Council, Cr Mustow and Cr Humphrys were declared elected as delegates to Rous County Council.

The General Manager called for nominations for a Councillor representative on the Richmond Valley Council Local Traffic Committee. Cr Cornish was nominated, however a potential conflict of interest was identified due to Cr Cornish's employment. Cr Hayes was nominated and accepted the nomination. Following acceptance of the nomination and there being no further nominations, Cr Hayes was declared elected as Councillor representative on the Richmond Valley Council Local Traffic Committee, for a period of twelve months.

The General Manager called for nominations for a Councillor representative on the Arts Northern Rivers Board. Cr Deegan was nominated and accepted the nomination. Following acceptance of the nomination and there being no further nominations, Cr Deegan was declared elected as Councillor representative on the Arts Northern Rivers Board for the entire term of council. As has been the practice in previous terms, the alternate for Council's Arts Northern Rivers representative, has been a member of Council staff. This position will be directly appointed by the General Manager, with the appointment of both the Councillor representative and alternate to be notified to the Arts Northern Rivers Board.

The General Manager confirmed that Cr Mustow, as Mayor, will continue to represent Council on the Northern Rivers Joint Organisation Board for the 2022-2024 term.

5.5 COUNCIL MEETINGS - ORDINARY MEETING DAY AND TIME

EXECUTIVE SUMMARY

Under the *Local Government Act 1993*, a council is required to meet at least ten times each year, each time in a different month. Following a local government election, it has been Council's usual practice to review its meeting days and commencement times for its Ordinary Meetings.

Proposed meeting times and dates are recommended in this report.

RESOLUTION 180122/5

Moved: Cr Sandra Humphrys

Seconded: Cr Debra McGillan

That:

1. Council holds its Ordinary Meetings on the third Tuesday of the month commencing at 6.00pm.
2. There will be no Ordinary Meeting held in January each year unless a resolution is passed to the contrary.
3. Council confirms that its Ordinary Meetings for the remainder of 2022 will be held on the following dates:
 - 15 February
 - 15 March
 - 19 April
 - 17 May
 - 28 June (Budget Meeting)
 - 19 July
 - 16 August
 - 20 September
 - 18 October
 - 15 November
 - 20 December

CARRIED

5.6 COUNTBACK ELECTIONS

EXECUTIVE SUMMARY

Following the 2021 local government elections, councils will, for the first time, have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring on the Council in the first 18 months. This helps to avoid the cost of holding a by-election.

Under the new provisions, Richmond Valley Council could use the countback option if a vacancy occurred amongst the six Councillors, but not for a vacancy in the Mayoral office. In order to use the countback method, a resolution must be passed at the first meeting of the newly elected council.

RESOLUTION 180122/6

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That:

1. Pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act), Richmond Valley Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are not to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.
2. The General Manager notifies the NSW Electoral Commissioner of the Council's decision within 7 days.

CARRIED

6 GENERAL BUSINESS

6.1 DRAFT COMMUNITY ENGAGEMENT STRATEGY

EXECUTIVE SUMMARY

Richmond Valley Council is embarking on the development and delivery of its next Community Strategic Plan.

The Community Strategic Plan will capture the community's vision for the area and identify key social, economic and environmental priorities, along with long-term strategies for the next 10 years. It will reflect the aspirations, needs and priorities of the local community.

The purpose of this engagement strategy is to ensure the Community Strategic Plan is developed in close consultation and collaboration with our local community. It outlines the stakeholders to be engaged, proposes a range of engagement approaches, and presents key timelines to assist in the delivery of the Community Strategic Plan.

This strategy will evolve as opportunities emerge and feedback is sought from the community.

RESOLUTION 180122/7

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council:

1. Receives and adopts the Draft Community Strategic Plan - Community Engagement Strategy 2021-2022; and
2. Notes the strategy will be implemented from January - June 2022 to inform the next Community Strategic Plan, which will be adopted at the June 2022 Council meeting.

CARRIED

The Meeting closed at 5.40pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Richmond Valley Council held on 15 February 2022.

.....
CHAIRPERSON