

Richmond  
Valley  
Council



# **MINUTES**

**Extraordinary Council Meeting  
9 October 2024**

**ORDER OF BUSINESS**

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**MINUTES OF RICHMOND VALLEY COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON WEDNESDAY, 9 OCTOBER 2024 AT 6PM**

*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 Lyndall Murray, Cr John Walker.

**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 (Chief of Staff), Julie Clark (Personal Assistant to the General Manager and Mayor), Simon Breeze (IT Support Coordinator)

## **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

### 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 091024/1

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That, in accordance with section 233A of the *Local Government Act 1993*, a record is made in the minutes of the taking of the Oath or Affirmation of Office by each of the seven newly elected Councillors.

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

Cr Stephen Morrissey, Cr Sandra Humphrys, Cr Lyndall Murray, Cr Sam Cornish and Cr John Walker took the Oath.

#### Oath

I, Councillor (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) and Cr Robert Hayes, took the Affirmation.

#### Affirmation

I, Councillor (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 each new Council 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 091024/2

Moved: Cr Sam Cornish

Seconded: Cr Sandra Humphrys

That:

1. Council elects a Deputy Mayor for a two-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 two years.

### 5.3 MAYORAL DELEGATION

#### EXECUTIVE SUMMARY

Section 226 of the *Local Government Act 1993* sets out the role of the Mayor. To support the role of the Mayor, Council has traditionally adopted a Mayoral delegation at the commencement of each new term of office. The 2024-2028 Council may wish to continue this practice.

#### RESOLUTION 091024/3

Moved: Cr Robert Hayes

Seconded: Cr Stephen Morrissey

That Council:

1. Authorises the Mayor to exercise policy-making functions between meetings (in cases of emergency/necessity).
2. Delegates authority to the Mayor to approve leave of absences for the General Manager.

**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 appoints delegates 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

County council elections are conducted under the provisions of the *Local Government Act 1993* and the Local Government (General) Regulation 2021, Schedule 9. Whereby, if the number of candidates nominated is not more than the number of vacancies to be filled, those candidates are to be declared elected. If there are more candidates nominated than the number to be elected, an election is to be determined by preferential ballot.

#### RESOLUTION 091024/4

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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.
- 2) The General Manager conducts the elections for the above positions in line with the

requirements of the *Local Government Act 1993* and Local Government (General) Regulation 2021, 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 2024-2028 term, in accordance with Section 400T of the *Local Government Act 1993*; and
- 4) Notes that a review of other committee appointments, including Arts Northern Rivers, the Northern Regional Planning Panel and Council's Audit Risk and Improvement Committee, will be brought to a future meeting of Council.

**CARRIED**

The General Manager, as Returning Officer for the election of delegate positions on Rous County Council, advised that nominations had been received from: Cr Humphrys, Cr Mustow and Cr Walker.

The election was conducted in line with the requirements of the *Local Government Act* and Regulation with Cr Mustow and Cr Humphrys declared elected as delegates to Rous County Council for the term.

The General Manager received one nomination for the position of Richmond Valley Council Local Traffic Committee from Cr Hayes. The General Manager provided an opportunity for further nominations from the floor, however none were submitted.

There being no further nominations, Cr Hayes was declared elected as representative to the Richmond Valley Council Local Traffic Committee.

## **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.

### **RESOLUTION 091024/5**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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 2024 and 2025 will be held on the dates set out in this report.

**CARRIED**

## 5.6 COUNTBACK PROCESS

### EXECUTIVE SUMMARY

Under Section 291A of the *Local Government Act 1993*, councils 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 option aims to avoid the cost of holding a by-election.

Under the 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.

Council considered the item and the Mayor called for a motion to be moved. However no motion was moved and the matter lapsed.

Accordingly, Council will not be exercising its option under Section 291A of the Act to use the countback system, should a casual vacancy occur on Council within the first 18 months of this term.

The Meeting closed at 6.30 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Richmond Valley Council held on 22 October 2024.

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**CHAIRPERSON**