



BUSINESS PAPER

EXTRAORDINARY MEETING OF COUNCIL

To be held on

Monday, 14 December 2020
4pm

at

Armidale Council Chambers

Members

Councillor Peter Bailey
Councillor Jon Galletly
Councillor Andrew Murat
Councillor Debra O'Brien
Councillor Margaret O'Connor
Councillor Dorothy Robinson
Councillor Ian Tiley

AGENDA

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| Item: | 7.1 - 4 | Ref: AINT/2020/43873 |
| Title: | Election of Mayor and other Matters | Container: ARC20/4437 |
| Responsible Officer | Interim General Manager | |
| Author: | John Rayner, Interim General Manager | |
| Attachments: | 1. Local Government (General) Regulation 2005 – Schedule 7 | |

1. Purpose

The purpose of this report is to provide background to Councillors on the agenda items listed for the Extraordinary Council Meeting to be held on 14 December 2020.

2. OFFICERS' RECOMMENDATION:

That Council receive and note the report.

3. Background

Following the resignation of four Councillors, including the Mayor and Deputy Mayor, elections will need to be conducted to fill these positions.

Vacancies also need to be filled on other bodies and authorities where Council is represented.

4. Method of Voting

If more than one candidate is nominated for Mayor or Deputy Mayor, the council must determine by resolution, the method of voting for the position of Mayor/Deputy Mayor, by way of one of the following methods:

- Open voting – ie. by show of hands.
- Ordinary ballot – ie. a secret ballot (place an X against the candidate of their choice).
- Preferential ballot – ie. place 1,2,3 etc. against each candidate.

This can be determined prior to or after the closing of nominations.

4.1 Election of Mayor

The process for the Election of Mayor will be in accordance with Local Government (General) Regulation – Schedule 7, attached.

Nominations for Mayor must be in writing, signed by two (2) Councillors and the nominee must consent in writing. The nomination and acceptance can be made prior to the meeting.

4.2 Election of Deputy Mayor

The process for the Election of Deputy Mayor will be in accordance with Local Government (General) Regulation – Schedule 7, attached.

Nominations for Deputy Mayor must be in writing, signed by two (2) Councillors and the nominee must consent in writing. The nomination and acceptance can be made prior to the meeting.

5. Appointments to External and other Bodies

Due to the resignations of a number of Councillors vacancies may be filled in a number of external and other bodies.

New England Weeks Authority (currently):

- Councillor Galletly
- Councillor Murat
- 1 vacancy

Traffic Committee (currently):

- Manager of Development is the Chairperson

Country Mayor's Association:

- Mayor, Deputy Mayor (alternate)

New England Joint Organisation (NEJO):

- Mayor, Deputy Mayor (alternate)

Joint Regional Planning Panel JRRP (currently):

- Mr James McGregor
- Dr Jim White

When appointing Mr McGregor and Dr White Council resolved "That once the Councillor suspension is lifted, a further report be presented to Council on the opportunities to allow a review of the representations to occur."

Regional Cities NSW:

- Mayor, Deputy Mayor (alternate)

Council is represented on other external bodies, however incumbent Councillors will continue their representation.

- New England Bushfire Management Committee (Councillor Galletly)
- Public Libraries NSW (Councillor O'Connor).

6. Meeting Dates

Dates previously set for Ordinary Council Meetings are 9 December 2020 and 24 February 2021.

There will be a need for a Council meeting in January 2021 to enable Council to consider submissions on the proposed Special Rate Variation. Applications are due to IPART by 8 February 2021.

It is suggested that an Ordinary Council meeting be held on Wednesday 27 January 2021 at 4pm.

Local Government (General) Regulation 2005 – Schedule 7

Schedule 7 – Election Of Mayor By Councillors (Clause 394)

Part 1 – Preliminary

1 Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer.

2 Nomination

- (1) A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
- (2) The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the Returning Officer.
- (4) The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

3 Election

- (1) If only one Councillor is nominated, that Councillor is elected.
- (2) 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.
- (3) The election is to be held at the Council meeting at which the Council resolves on the method of voting.
- (4) In this clause:
 - “ballot” has its normal meaning of secret ballot
 - “open voting” means voting by a show of hands or similar means

Part 2 - Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6 Count – 2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count – 3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 - Preferential Ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot – Papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this clause, “**absolute majority**”, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal-the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes-the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 – General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as Mayor or 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 Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.