



**EXTRAORDINARY MEETING OF COUNCIL
BUSINESS PAPER**

13 November 2018

Extraordinary Meeting of Council

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OF COUNCIL**

13 November 2018



Extraordinary Council Meeting

13 November 2018 at 8:00am

Uralla Shire Council Chambers

- BUSINESS AGENDA -

- 1. OPENING OF EXTRAORDINARY MEETING**
- 2. PRAYER**
- 3. ACKNOWLEDGEMENT OF COUNTRY**
- 4. APOLOGIES**
- 5. DISCLOSURES & DECLARATIONS**
- 6. PURPOSE OF EXTRAORDINARY MEETING**
 1. Logistics for Budget Review and Finance Committee.
 2. Logistics for by-election caused by Kevin Ward's resignation.
- 7. CLOSE OF EXTRAORDINARY MEETING**

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REPORT TO COUNCIL

Department:	General Manager's Office
Submitted by:	Andrew Hopkins
Reference/Subject:	Report #1 – Budget Review and Finance Committee - Logistics

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	4.2	An effective and efficient organisation
Strategy:	4.2.2	Operate in a financially responsible and sustainable manner

SUMMARY:

The Local Government (General) Regulation 2005 sets out specific provisions associated with council committees. It prescribes how committees are to be formed, their functions, who chairs them, and notification about when meetings are to be held, and where.

The purpose of this business paper is for Council to formally adopt a meeting schedule for the new Budget Review and Finance Committee and to make provision for the November Ordinary Meeting to set down matters for inclusion upon the Budget Review and Finance Committee's business paper agenda for December 2018.

OFFICER'S RECOMMENDATION:

That Council:

- 1. For the purpose of holding meetings of the Budget Review and Finance Committee, set the venue as the Council Chambers, set the commencement time for each meeting at 12:30pm and set the meeting dates for the 2018-19 financial year as follows:***
 - 11th December 2018***
 - January 2019 – no meeting***
 - 12th February 2019***
 - 12th March 2019***
 - 9th April 2019***
 - 14th May 2019***
 - 11th June 2019***
- 2. Publish the matters contained in 1 (above) in a newspaper which circulates within the Uralla LGA area.***
- 3. Receive a business paper item in the November Ordinary Meeting which calls for the identification of matters to be considered at the December Budget Review and Finance Committee meeting.***

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REPORT:

At its Extraordinary Meeting of 18th October 2018 Council resolved (**X4.10/18**) as follows:

That Council;

1. *Not proceed with a Special Rate Variation this year;*
2. *Form a Budget Review and Finance Committee to examine Council's financial position and undertake a detailed review of Council's budget and expenditure. This committee to:*
 - a. *Be tasked with examining Council's budget and service delivery to keep the budget in surplus;*
 - b. *Focus on key Council functions and clearly identify options to service level delivery and operating procedures necessary to support (a);*
 - c. *Scrutinise discretionary expenditure, including cost benefit analysis as appropriate for recommendation to Council;*
 - d. *Be a Committee of the Whole;*
 - e. *Meet monthly or more frequently if determined by the Committee; and*
 - f. *Be chaired by a Councillor.*

At its Ordinary Meeting of 30th October 2018 Council resolution **21.10/18** modified 2(e) of resolution X4.10/18 so that it now reads:

2(e) Meet monthly or as required by the Committee.

Select Legislative Provisions

REG232 of the Local Government (General) Regulation 2005 (REG) states that:

- (1) A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.*
- (2) The notice must specify the time and place of the meeting.*
- (3) Notice of more than one meeting may be given in the same notice.*
- (4) This clause does not apply to an extraordinary meeting of a council or committee.*

REG260 states that:

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

REG261 states that:

A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

REG267 states that:

- (1) The chairperson of each committee of the council must be:*
 - (a) the mayor, or*
 - (b) if the mayor does not wish to be the chairperson of a committee – a member of the committee elected by the council, or*

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- (c) *if the council does not elect such a member – a member of the committee elected by the committee.*
- (2) *A council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.*

Therefore resolution X4.10/18 (subsequently modified by resolution 21.10/18) has:

- Established the Budget Review and Finance Committee.
- Determined the committee will meet monthly.
- Determined the committee will be a committee of the whole.
- Established the functions of the committee as being:
 - Examine Council's financial position and undertake a detailed review of Council's budget and expenditure, specifically:
 - (a) Examine Council's budget and service delivery to keep the budget in surplus;
 - (b) Focus on key Council functions and clearly identify options to service level delivery and operating procedures necessary to support (a).
 - (c) Scrutiny of discretionary expenditure, including cost benefit analysis as appropriate for recommendation to Council.

Part 2(f) of the resolution is governed by REG267 which states the chairperson must be the mayor, however if the mayor does not wish to be the chairperson then the chairperson can be elected by Council or the Committee.

Recommendations

- 1) To comply with REG232 (Notice of Meetings) Council should specify the dates and times for the committee to meet and publish these in a local newspaper. In this regard it is recommended that the committee meets on the second Tuesday of each month so that the minutes of the committee meetings can be provided to the monthly Council meeting.

Proposed meeting schedule for balance of the 2018-19 financial year:

- 11th December 2018
 - January 2019 – no meeting
 - 12th February 2019
 - 12th March 2019
 - 9th April 2019
 - 14th May 2019
 - 11th June 2019
- Each meeting to commence at 12:30pm.
- Each meeting to be held in Council Chambers.
- 2) There be a business paper item in the November Ordinary Meeting which calls for the identification of matters to be considered at the December Budget Review and Finance Committee meeting.

Prepared by staff member:	Andrew Hopkins
TRIM Reference Number:	UINT/18/5453
Approved/Reviewed by Manager:	N/a
Department:	General Manager's Office
Attachments:	Nil

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REPORT TO COUNCIL

Department:	General Manager's Office
Submitted by:	Andrew Hopkins
Reference/Subject:	Report #2 – By-election Logistics

SUMMARY:

Councillor Ward's resignation triggers the need for a by-election. The NSW Electoral Commission conducted the Council's 2016 elections and have provided an approximate order of cost and schedule to conduct the by-election. The NSW Electoral Commission has advised Council request an extension to the three month time frame within which the by-election is to be undertaken.

OFFICER'S RECOMMENDATION:

That Council:

- 1) ***Engage the NSW Electoral Commission to undertake the by-election required as a consequence of the vacancy created by Cr Kevin Ward's resignation.***
- 2) ***Advise the NSW Electoral Commission that Council concurs with the by-election date being set for Saturday 16th February 2019.***
- 3) ***Request the Minister for Local Government to approve a 28 day extension, in accordance S292 of the Local Government Act, to the three month election timeframe prescribed by S292(a) of the Act.***
- 4) ***Vote up to \$40,000 for NSW Electoral Commission costs for the by-election. Costs are to be taken from the following votes within the existing 2018-19 budget and restrictions:***
 - ***\$2,500 from councillor meeting fees.***
 - ***\$12,500 councillor travel.***
 - ***\$2,000 SRV consultation materials costs.***
 - ***\$15,000 NEJO 18-19 membership fee.***

REPORT:

Councillor Kevin Ward recently resigned his civic office with an effective date of 31st October 2018.

S234 of the Local Government Act (the Act) states that "A civic office becomes vacant if the holder: (b) resigns the office by writing addressed to the general manager".

S291 of the Act requires that "If a casual vacancy occurs in a civic office, the office is to be filled by a by-election...".

S292 of the Act states that:

A by-election to fill a casual vacancy in the office of a councillor or a mayor elected by the electors of an area is to be held on a Saturday that:

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- (a) Falls not later than 3 months after the vacancy occurs, and*
- (b) Is fixed by the general manager (in relation to an election administered by the general manager) or the Electoral Commissioner (in relation to an election administered by the Electoral Commissioner).*

S292 of the Act states that:

- (1) If the Minister is of the opinion that it would be impractical or inconvenient to hold a by-election as provided by section 292, the Minister may, by order published in the Gazette, appoint a subsequent Saturday for the by-election.*
- (2) The subsequent Saturday must not be more than 28 days later than the day when the by-election should have been held.*

As a consequence of the vacancy created by Councillor Ward's resignation, a by-election will be required within three months from his resignation date of 31st October, unless the Minister agrees to a request by Council to extend that three month period by 28 days.

NSW Electoral Commission

The General Manager has contacted the NSW Electoral Commission (Commission) and sought indicative costs for that organisation to manage the by-election and to determine timeframes.

The Commission has reviewed the available dates by which key actions leading to the election must be undertaken and have advised that an extension in accordance with S292 of the Act would be prudent and that the 16th of February would be the most suitable date within that period.

The Commission has recommended the following timeframe:

- Close of rolls / nominations open – 6pm, Monday 7 January
- Close of nominations – 12noon Wednesday 16 January
- Pre-poll voting opens – Monday 4 February
- Pre-poll voting closes – Friday 15 February
- Election Day – Saturday 16 February
- Return of postal votes close – 6pm, Monday 18 February
- Declaration of elected candidate – Wednesday 20 February

The Commission has indicated an indicative cost of between \$30,000 - \$40,000 to manage the by-election.

Advice from the Office of Local Government

By letter dated 2nd November the General Manager wrote to the Minister requesting consideration of an extension under S292. Subsequent advice from the Office of Local Government was that they require:

- 1. Evidence we have advised the NSW Electoral Commission of the by-election, the proposed date and their agreement to hold the election on that date, and*
- 2. Resolution from Council to seek the Minister's approval for the S292 extension.*

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Recommendations

Council has an existing contract with the Commission which was entered into to manage the 2016 elections and any subsequent elections up to 18 months out from the 2020 elections. The contract is 'opt out'. The schedule to the contract would need modification to reflect the services and costs specific to a by-election.

- 1) Council engage the NSW Electoral Commission to undertake the by-election required as a consequence of the vacancy created by Cr Kevin Ward resigning.
- 2) Council advise the NSW Electoral Commission of its concurrence to hold the by-election on Saturday 16th February.
- 3) Council request the Minister for Local Government to approve a 28 day extension, in accordance S292 of the Act, to the three month election timeframe prescribed by S292(a) of the Act.
- 4) Council vote up to \$40,000 for NSW Electoral Commission costs for the by-election. Costs are to be taken from the following existing votes within the existing 2018-19 budget and restrictions:
 - \$2,500 saving from reduced councillor meeting fees for Nov, Dec and Jan.
 - \$12,500 saving from reduced councillor travel vote – initially set to cover SRV consultation travel.
 - \$2,000 saving from reduced SRV consultation materials costs.
 - \$15,000 saving from anticipated \$20,000 NEJO 18-19 membership fee.

Prepared by staff member:	Andrew Hopkins
TRIM Reference Number:	UINT/2018/5452
Approved/Reviewed by Manager:	N/a
Department:	General Manager's Office
Attachments:	Nil

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END OF BUSINESS PAPER