

10.2. Election of Deputy Mayor

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ATTACHMENTS	Nil
CSP LINK	5. Our Civic Leadership 5.2 Strong civic leadership and customer focussed services

PURPOSE:

To conduct an election for the position of Deputy Mayor, in accordance with Council's Deputy Mayor Policy. In accordance with the Local Government (General) Regulation 2005, the General Manager is the Returning Officer.

EXECUTIVE SUMMARY:

- Council's Deputy Mayor Policy and Section 231 of the Local Government Act 1993 states that Council may elect a Deputy Mayor. The Policy provides that the Deputy Mayor will be appointed for a period from 1 October to 30 September. However, the legislation provides that the Deputy Mayor may be elected for the Mayoral term, or a shorter term.
- Nominations must be in writing, in accordance with clause 2 of Schedule 7 of the Local Government (General) Regulation 2005 (The Schedule), a copy of which is attached to the previous report.
- Nominations must be provided to the General Manager (via Governance, or directly) prior to the commencement of the election. Councillors are encouraged to submit nominations in advance to ensure their validity is confirmed prior to the election. Schedule 7 governs the election of a Mayor, or Deputy Mayor, by councillors.
- Depending on the result of the Deputy Mayoral election it may be necessary for Council to consider Councillor membership of the Audit, Risk, and Improvement Committee.

RECOMMENDATION:

- 1. THAT** Council resolve to appoint a Councillor to be the Deputy Mayor in accordance with section 231(1) of the Local Government Act 1993.
- 2. THAT** an election be held to elect a Deputy Mayor for the period 26 September 2023, to 14 September 2024.
- 3. THAT** Council determine the method of voting as open voting in accordance with Council's Deputy Mayor Policy.
- 4. THAT** the Coordinator General, Planning Delivery and Local Government and the Secretary and Chief Executive Officer of Local Government New South Wales be advised of the election result.
- 5. THAT,** if required, Council is to resolve the two Councillor members of the Audit, Risk and Improvement Committee, noting one is to be the Deputy Mayor.

Background

Section 231 of the Local Government Act 1993 states that:

- (1) The Councillors may elect a person from among their number to be the Deputy Mayor.*
- (2) The person may be elected for the mayoral term, or a shorter term.*
- (3) 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.*
- (4) The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence, or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.*

Council's Deputy Mayor Policy states:

4.4 Appointment - In accordance with Council's Code of Meeting Principles and Practices, the election of the Deputy Mayor (for the period 1 October to 30 September) will take place at the Council meeting held in September annually. Nominations for Deputy Mayor will close on the date advised by staff, the deadline related to the report deadline for the September meeting.

In line with Council's Open Government Policy, elections shall be conducted by open voting unless, at the meeting in which the election is to take place, Council resolves to hold a secret ballot. Should the Council resolve to hold a ballot, ballot papers will be distributed to Councillors. The ballot shall be conducted in accordance with Schedule 7, Part 2 of the Local Government (General) Regulation 2005.

Report

Nomination forms were distributed to all Councillors on 11 September 2023.

Due to the scheduled Local Government elections, the Deputy Mayor will be elected for the period 26 September 2023 to 14 September 2024, the day before the elections.

Election Procedure

Part 3 of The Schedule 7 in the Regulations provides that, 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.

Council's Deputy Mayor Policy (clause 4.4) and past practice has been to elect the Deputy Mayor through open voting. In addition, the Office of Local Government identifies open voting as the most transparent and least bureaucratic voting method, which reflects normal council voting methods.

It is further noted that, with the ability of Councillors to attend Council Meetings remotely, open voting is the only mechanism able to be administered whilst accommodating remote attendees.

The General Manager, or their nominee, conducts the election as the Returning Officer (The Schedule, Part 3).

The result of the election (including the name of the candidate elected as 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 Secretary and the Chief Executive Officer of Local Government NSW. (The Schedule, Part 13).

Membership of Audit, Risk and Improvement Committee (ARIC)

The current Charter of Council's Audit Risk and Improvement Committee allows for five (5) voting members:

- three independent external members (one of whom is the Chairperson);
- Deputy Mayor/Councillor; and
- Councillor.

On 21 February 2022, Council appointed Councillor William Bourke (as Deputy Mayor) and Councillor Godfrey Santer as its representatives on ARIC. When Councillor Santer was elected as Deputy Mayor in September 2022, Councillor Beregi was appointed to his position on the ARIC.

Depending on the result of the Deputy Mayoral election, it may be required that Council determine the Councillor members of the Audit, Risk, and Improvement Committee.

Consultation requirements

Community engagement is not required.

Financial/Resource Implications

There are no financial implications to this report.

Legislation

Council's Deputy Mayor Policy and Section 231 of the Local Government Act 1993 states that Council may elect a Deputy Mayor.

The election of the Deputy Mayor must be conducted in accordance with clause 394 and Schedule 7 of the Local Government (General) Regulation 2005 (the Regulation).