



AGENDA

Council Chambers
6 January 2022

A **MEETING** of **Council** will be held at the Council Chambers, 200 Miller Street, North Sydney at 7:30 PM on Monday 10 January 2022.
The agenda is as follows.

Ken Gouldthorp
GENERAL MANAGER



North Sydney Council is an Open Government Council. The records of Council are available for public viewing in accordance with this policy, with the only exception being made for certain confidential documents such as legal advice, matters required by legislation not to be divulged, and staff matters.

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1. **Opening Meeting**
2. **Acknowledgement of Country**
3. **Apologies**
4. **Confirmation of Minutes**

THAT the minutes of the last Council Meeting held 8 November 2021 be taken as read and confirmed

5. **Disclosures of Interest**
6. **Reports to Council**

6.1. Oath and Affirmation of Office by Councillors

AUTHOR: Ian Curry, Manager Council & Committee Services

To report on the requirement for all Councillors to take an oath or affirmation of office, prior to participating in meetings.

Under section 233A of the *Local Government Act 1993*, councillors (including mayors) are required to take an oath or affirmation of office. The prescribed words of the oath and affirmation are contained in the attachment to this report.

Oaths or affirmations of office must be taken by each councillor at or before the first meeting of the council after being elected.

An oath and affirmation ceremony is to be conducted for Councillors at 6pm on Monday 10 January 2022, prior to the Council meeting. The names of those Councillors who attended the ceremony and make their oath or affirmation will be read out by the General Manager at the Council meeting.

Any Councillors must have taken the oath or made an affirmation prior to participating in Council Meetings.

Funds are available in the 2021/22 Council suppers budget allocation for refreshments to be provided at the oaths and affirmation ceremony.

RECOMMENDATION:

1.THAT the General Manager confirm for the meeting the names of those Councillors who have taken the oath or made the affirmation, prior to the Council meeting.

2.THAT the General Manager ensure a record is kept of the taking of the oath or making of the affirmation as required under the *Local Government Act 1993* in the minutes of this Council meeting.

6.2. Election of Mayor

AUTHOR: Ian Curry, Manager Council & Committee Services

The purpose of this report is to facilitate the election of the Mayor for the period 10 January 2022 to September 2023, in accordance with section 230 of the Local Government Act NSW 1993 (the Act). In accordance with the Local Government (General) Regulation 2005, the General Manager is the Returning Officer and this item will therefore be facilitated by the General Manager.

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council. The election for Councillors for North Sydney Council was declared on 23 December 2021.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Following the declaration of the poll for the 4 December 2021 Council elections, nominations were called for the position of Mayor.

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.

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.

In addition to a Councillor fee of \$26,310 per annum, the Mayor is also paid a separate fee of \$69,900 per annum, remunerated on a monthly basis. Provision is made for this amount in Council's 2021/22 budget.

RECOMMENDATION:

- 1. THAT** an election be held to elect a Mayor for the period 10 January 2022 to September 2023.
- 2. THAT** Council determine the method of voting.
- 3. 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.

6.3. Election of Deputy Mayor

AUTHOR: Ian Curry, Manager Council & Committee Services

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 and this item will therefore be facilitated by the General Manager.

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.

Following the declaration of the poll for the 4 December 2021 Council elections, nominations were called for the position of Deputy Mayor.

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. Schedule 7 governs the election of a mayor or deputy mayor by councillors.

By 1PM on Thursday 6 January 2022 1 nomination has been received for:

- Cr Godfrey Santer, nominated by Cr Shannon Welch and Cr Godfrey Santer

RECOMMENDATION:

1. THAT an election be held to elect a Deputy Mayor for the period 10 January to 26 September 2022.

2. THAT Council determine the method of voting.

3. 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.

6.4. Using Countbacks to Fill Casual Vacancies

AUTHOR: Ian Curry, Manager Council & Committee Services

To propose that Council exercise the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election.

Following the December 2021 local government elections, councils, for the first time, have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election.

This will allow councils to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

If Council does not resolve to take advantage of this provision at the first meeting after the election, it will be required to fill any casual vacancy through a by-election.

The Office of Local Government (OLG) has provided wording for a recommendation should Council wish to exercise this option.

No estimated costs of a potential countback by the NSW Electoral Commission is available. However, the cost of a countback would be significantly less expensive than a by-election, should one be required. For 2021, the estimated cost of the conduct of the full election by the NSW Electoral Commission was approximately \$491,000, excluding GST.

RECOMMENDATION:

1. THAT pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act), North Sydney 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 to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

7. Closure