



EXTRAORDINARY MEETING OF COUNCIL

Tuesday 11 January, 2022

at 9:00am

Council Chambers

56 Chanter Street, Berrigan



Agenda

The Extraordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Tuesday 11 January, 2022** when the following business will be submitted:-

ITEMS OF BUSINESS

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE	3
2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS	3
3. ITEM FOR RESOLUTION	3
3.1 Oath / Affirmation of Office	4
3.2 Returning Officer's Report	6
3.3 Election of Mayor	8
3.4 Election of Deputy Mayor	9
3.5 Managing Casual Vacancies	10
3.6 Delegates to Committees	11
3.7 Corporate Workshop Dates and Outline	15
3.8 Important Dates and Integrated Planning and Reporting Timetable	17
4. CLOSE OF MEETING	18

No business, other than that on the Agenda, may be dealt with at this meeting unless admitted by the Mayor.

KARINA EWER
CHIEF EXECUTIVE OFFICER



Extraordinary Council Meeting

Tuesday 11 January, 2022

BUSINESS PAPER

This meeting is being webcast and those in attendance should refrain from making any defamatory statements.

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE
2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS
3. ITEM FOR RESOLUTION

Council Meeting

11 January 2022

3.1 Oath / Affirmation of Office

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that the Oath / Affirmation of Office for Councillors now be taken before the Chief Executive Officer.

Report:

As per section 233A of the *Local Government Act 1993*, all Councillors are required to take an oath or make an affirmation of office.

Oaths or affirmations must be taken at or before the first meeting of a Council after being elected.

An oath or affirmation should be taken as the first item of business at the first meeting.

The Chief Executive Officer must ensure that a record is kept of the taking of an oath or affirmation, either through a signed statement or through the minutes of the meeting.

If a Councillor is unable to attend the first meeting of the newly elected Council, he or she may take an oath or affirmation of office at another location before the Chief Executive Officer.

The oath or affirmation of office must also be taken before an Australian legal practitioner or Justice of the Peace.

Where an oath or affirmation of office is taken outside a Council meeting a Council staff member should be present.

A Councillor who fails, without reasonable excuse, to take the oath or affirmation of office is not entitled to attend Council meetings until they do so and will be taken to be absent without leave.

If a Councillor is absent without leave for three consecutive ordinary Council meetings, their office is automatically declared vacant.



The prescribed wording for the oath or affirmation is set out below:

Oath

I [**name of Councillor**] swear that I will undertake the duties of the office of councillor in the best interests of the people of the Berrigan Shire Council area and the Berrigan Shire 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 judgement.

Affirmation

I [**name of Councillor**] 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 Berrigan Shire area and the Berrigan Shire 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 judgement.

Council Meeting

11 January 2022

3.2 Returning Officer's Report

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that any ballot required to fill the position of Mayor or Deputy Mayor be undertaken via the open voting system.

Report:

In accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation) the General Manager is the Returning Officer for the election of Mayor and Deputy Mayor.

Schedule 7 of the Regulation provides the basis for the election of Mayor by Councillors as per the following:

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 section—*

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

As Returning Officer, I now invite nominations for the position of Mayor / Deputy Mayor for the Berrigan Shire Council. The Mayoral position will be held until the Ordinary Council meeting held in September 2023, when a new vote will be taken. That vote will have the Mayor hold the position until September 2024 when their civic office as a Councillor and Mayor will expire.

The Deputy Mayor's position will be held for the term specified in Council's resolution.

In accordance with the Regulation, two or more Councillors may nominate a Councillor (one of whom may be the nominee) for the position of Mayor / Deputy Mayor. Nominations must be in writing. A nomination is not valid unless the nominee has indicated consent of the nomination in writing

A Nomination Form as required by the Regulation is provided with the Agenda and is **required to be completed prior to the Extraordinary Meeting commencing**. Nomination forms should be completed and lodged with the Returning Officer or into the Ballot Box at the Chamber entrance prior to the commencement of the meeting.

The election of the Mayor, if more than one Councillor is nominated, may be by preferential ballot or ordinary ballot or by open voting. Where only one nomination is received for either position that person will be the successful candidate for the relevant role.

Open voting is a show of hands. This is the most transparent method of voting and also the least bureaucratic and reflects normal council voting methods.

Ordinary Ballot is a secret ballot. Voting is achieved by placing an "X" against the candidate's name who is nominated for the position being voted for (Mayor or Deputy Mayor).

Preferential Ballot is also a secret ballot but run more specifically by first drawing the order of nominees to be recorded on the ballot paper and then those voting to place the numbers 1, 2 etc. in order of preference (according to how many are nominated for each position). If a candidate has an absolute majority of first preference votes (more than half) they will be declared elected to the relevant position. If not candidate has an absolute majority then the person with the lowest number of first preference votes is excluded and preferences from the excluded candidates are distributed to the remaining candidates. This process will continue until a candidate gains an absolute majority.

The rules for managing the voting are set out in Schedule 7 Parts 2 and 3 of the Regulations.

No mention is made of the election of Deputy Mayor however, if two or more candidates are nominated I suggest a similar process take place to that of the Mayor.

A nomination form for both positions is circulated with this Agenda.



Council Meeting

11 January 2022

3.3 Election of Mayor

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that Council elect [insert name] to the position of Mayor of Berrigan Shire and that Mayor [insert last name] hold the position for the two years ending January 2024.

Report:

As Returning Officer, I now invite nominations for the position of Mayor as per the Returning Officer's Report.

Note the position of Mayor is held until the Ordinary meeting to be held in September 2023 (unless a casual vacancy occurs) as per section 230(1) of the *Local Government Act 1993*.

Council Meeting

11 January 2022

3.4 Election of Deputy Mayor

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that Council elect [insert name] to the position of Deputy Mayor of Berrigan Shire and that Deputy Mayor [insert last name] hold the position for the [xx] years ending [xx].

Report:

There is no obligation for Council to elect a Deputy Mayor, however the position provides practical support to the Mayor either to assist with absences, duplication of public commitments or to perform Mayoral duties where the Mayor is unable. The position of Deputy Mayor may similarly automatically assume the Chairing of a meeting or part of a meeting where the Mayor holds a relevant conflict of interest.

Section 231 of the *Local Government Act 1993* states:

231 Deputy mayor

- (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.*

The Deputy Mayor's position will be held for the term specified in the Council's resolution.

Council Meeting

11 January 2022

3.5 Managing Casual Vacancies

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act) Berrigan Shire 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 Chief Executive Officer to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

Report:

As per section 291A of the *Local Government Act 1993*, Council may now elect to access the count back method to fill any casual vacancies which might occur during the first 18 months of a Council's term.

Using the countback method will allow any casual vacancies to be filled at a lower cost than the cost of holding a by-election.

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, Council must resolve, at their first meeting after the election, to use a countback to fill casual vacancies.

If Council does not resolve to use a countback to fill casual vacancies at this first meeting after the election, they will be required to fill any casual vacancies through a by-election.

Where Council resolves to fill casual vacancies using a countback in the first 18 months of their terms, the Chief Executive Officer is required under the *Local Government (General) Regulations 2005* (the Regulation) to notify the NSW Electoral Commissioner of Council's ordinary election of the Council's resolutions within 7 days of the resolution.

Countback are not available to fill casual vacancies in the office of a Councillor where:

- the Councillor who vacated office was elected at an election using the optional preferential voting system (i.e. elections where only one civic office is required to be filled such as the election of a popularly elected mayor); or
- the Councillor was elected at an uncontested election.

A by-election must be used to fill these vacancies.

Council Meeting

11 January 2022

3.6 Delegates to Committees

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. abolish all internal committees of Council;
2. delegate the following Councillors to attend the meetings of each of the following Section 355 Committees:
 - Cr xx to attend the Barooga Recreation Reserve;
 - Cr xx to attend the Tocumwal Swimming Pool Committee of Management;
 - Cr xx to attend the Tocumwal War Memorial Hall Committee of Management;
 - Cr xx to attend the Tocumwal Foreshore Committee;
 - Cr xx to attend the Finley Recreation Reserve Committee of Management;
 - Cr xx to attend the Finley Showground and Sporting Complex Committee of Management;
 - Cr xx to attend the Finley Tidy Towns Committee of Management; and
 - Cr xx to attend the Finley War Memorial Swimming Pool Committee of Management.
3. delegate Cr xx to attend the meetings of the BARC Committee as part of Council's commitment to the Memorandum of Understanding being developed with Sporties;
4. delegate the following Councillors to attend the meetings of each of the following external bodies:
 - Cr XX to attend the Murray Darling Association;
 - Cr XX to attend the Rural Fire Service District Liaison Committee;
 - Cr XX to attend the Bush Fire Management Committee;
 - The Mayor and CEO to attend the RAMJO meetings with the Deputy Mayor to be nominated as proxy for the Mayor;
 - Cr XX to attend the Public Libraries New South Wales;
 - Cr XX to attend the Western Joint Regional Planning Panel; and
 - Cr XX to attend the Yarrawonga to Torrumbarry River Reach Stakeholder Group
5. delegate the Director Strategic Planning and Development to continue Council's direct engagement with health and wellbeing support being delivered to the Berrigan Shire Community.

Report:

Councillors are involved in a number of Committees, some are internal committees, some are section 355 Committees of Council and others are more regional in nature.

Council may choose to remove some internal committees from these requirements and recommendations are made against those committees listed below.'

INTERNAL COMMITTEES:

- Technical Services (now Infrastructure)
- Corporate Services
- Business and Economic Development
- Risk Management

The function of the above committees has largely been replaced by the Strategic and Policy Workshops held monthly with the full Council. As a result, the above committees have not met for some time. Council may wish to abolish them. It should be noted that if the Technical Services, Corporate Services or Business and Economic Development Committees meet they are open to the public and must be "streamed" unless the matter is confidential.

The Risk Committee is a mix of Councillors and staff. As there are non-Council members on this committee it does not need to be streamed. The functionality of this Committee has largely been moved to the Audit, Risk and Improvement Committee.

Recommendation: that Council abolish all internal committees as the functionality of those committees have largely been superseded by new legislative requirements or current practices.

SECTION 355 COMMITTEES:

Section 355 Committees operate under the *Local Government Act 1993* to allow Council to exercise its functions:

355 How a council may exercise functions

A function of a council may, subject to this Chapter, be exercised—

...

(b) by a committee of the council...

The following Committees are Section 355 Committees of Council:

- Australia Day Committee)**;

- Barooga Advancement Group**;
- Barooga Community Botanical Gardens Committee*;
- Barooga Recreation Reserve*
- Berrigan Conservation and Tidy Towns Committee*;
- Berrigan Sportsground Committee*;
- Berrigan War Memorial Hall Committee*;
- Berrigan War Memorial Swimming Pool Committee*;
- Boomanoomana Landcare Committee (in recess)**;
- Finley Railway Park Committee*;
- Finley Recreation Reserve Committee;
- Finley Showground and Sporting Complex Committee;
- Finley Tidy Towns Committee (in recess);
- Finley War Memorial Hall Committee*;
- Finley School of Arts Committee*;
- Finley War Memorial Swimming Pool Committee *
- Fullers Road Landcare Group (in recess)**;
- Mary Lawson Memorial Wayside Rest and Finley Log Cabin Committee*;
- Native Dog Landcare Group (in recess)**;
- Retreat Public Hall Committee*;
- Tocumwal Foreshore Committee**;
- Tocumwal Friends of the Library*;
- Tocumwal Historic Aerodrome Museum*;
- Tocumwal Rail Preservation Committee*;
- Tocumwal Recreation Reserve Committee*;
- Tocumwal Swimming Pool Committee*;
- Tocumwal War Memorial Hall Committee*

Previous practice has been to appoint a Council member to each Committee on request of the Committee. Council may however choose to appoint a member to each Committee without such request. Those noted with an asterisk above have not previously requested a Council member be present at their meetings.

There is another Section 355 Committee, the Youth Development Committee. It is currently in abeyance.

Recommendation: that Council appoint at least one Councillor to each section 355 Committee (and one proxy for when that member is not available).

REGIONAL ORGANISATIONS

The following regional organisations have traditionally included at least one Elected Member from the Berrigan Shire Council.

1. Murray Darling Association (I am currently on the Board awaiting a Councillor to take up the position. This was decided at the AGM on 17 November 2021)

2. Rural Fire Service District Liaison Committee
3. Bush Fire Management Committee
4. RAMJO (Mayor and CEO attend these meetings – Deputy Mayor is generally the proxy)
5. Public Libraries New South Wales
6. Western Joint Regional Planning Panel
7. Yarrawonga to Torrumbarry River Reach Stakeholder Group

The above committees require a member of Council and a proxy to be nominated to attend those meetings.

Recommendation: that Council delegate an Elected Member and proxy to each of the above committees) and delegate the CEO to alert each of those committees to Council's decision.

Other Committees

During the past few months, I have been working with Sporties in Barooga to develop a Memorandum of Understanding to strengthen our strategic partnership with that group. As part of that partnership, I would suggest that a Councillor also nominate to the Barooga Aquatic & Recreation Centre Committee as this group manage the operations of the indoor pool and it will be important for Council to maintain that relationship with the BARC committee to assist with this partnership.

Council has also been working very closely with the Community Wellbeing Committee to implement a youth and family engagement officer in the community to assist with mental health access, roll out wellbeing programs across all for townships within the community and develop substantial networks to ensure this area is not missed in accessing on ground services as and when they are needed. The group already has substantial momentum and it will be valuable for a Councillor to continue to be actively engaged with this committee to ensure its success and continued linkage to Council.

Recommendation: that Council delegate an Elected Member to attend the meetings of the BARC Committee as part of Council's commitment to the Memorandum of Understanding being developed with Sporties.

Recommendation: that Council delegate an Elected Member to attend the meetings of each of the external bodies noted with the Director Strategic Planning and Development to continue Council's direct engagement with health and wellbeing support being delivered to the Berrigan Shire Community.

Council Meeting

11 January 2022

3.7 Corporate Workshop Dates and Outline

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that the Council:

- confirm the dates for the Corporate Workshop being 3 and 4 March 2022 to be held at Cadell on the Murray, Moama NSW
- adopt the draft program for the Corporate Workshop as attached as **"Appendix 3.7-A"**

Report:

At the October 2021 Ordinary Council Meeting Council passed the following resolution:

- 247 → **Resolved** Crs Taylor and Bodey that Council:¶
- → delegate all delegable functions to the Chief Executive Officer position for the period commencing 4 December 2021 and concluding 11 January 2022; ¶
 - → authorise the current Mayor to maintain all civic and ceremonial functions normally exercised by the Mayor during this period; ¶
 - → set the first meeting of the new Council as an Extraordinary meeting on Tuesday 11 January 2022, commencing at 9.00am and following the Agenda set out in this report; and ¶
 - → authorise staff to book an appropriate venue for the Corporate Workshop to take place on 3 and 4 March 2022 with the new Council to review the venue and dates at the Extraordinary meeting on 11 January 2022 ¶

¶

All but the last dot point have been actioned and conclude at this meeting.

The dates for the Corporate Workshop have been set by the previous Council as being 3 and 4 March 2022 and a venue has been booked. **"Appendix 3.7-A"** is an outline of the proposed proceedings expected for the two day workshop.

The Corporate Workshop has been used annually as both a team building exercise for Councillors and Senior Staff, but also a strategic planning workshop for Councillors to understand the environment in which we are working and the issues which will impact the



decisions Council for the coming year. Feedback from these sessions has been very positive and Senior Staff would like to see their continuation into the future as they are a valuable source of information and direction for staff.

Council Meeting

11 January 2022

3.8 Important Dates and Integrated Planning and Reporting Timetable

Report by: Director Strategic Planning and Development, Joanne Ruffin

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation:

That the Council endorse the suggested timetable for the Council's review and development of its suite of Integrated Plans

- 1) 16 February 2022, the Council adopts a draft of its Annual Capital Works Program.
- 2) 3 - 4 March 2022 at two-day Corporate Workshop the Council gives a broad direction to Council Officers on:
 - a) the process for the review of the Community Strategic Plan.
 - b) the development of the Council's Annual Operational Plan 2022 – 2023.
 - c) the development and review of the Council's Resourcing Strategy.
 - d) council rebranding.
 - e) land-use and the Local Environment Plan (LEP) review.
 - f) the Council's risk appetite.
- 3) 16 March 2022 Ordinary Council Meeting:
 - a) the reviewed and draft Community Strategic Plan is placed on public exhibition for 28 - days before being endorsed by the Council (after consideration by the Council of community submissions) at a subsequent meeting
 - b) A draft of the Delivery Program 2022 – 2026 is presented to the Council for its initial comment.
- 4) 20 April 2022 Ordinary Council Meeting the Council will:
 - a) endorse the Community Strategic Plan on behalf of the community after consideration of community submissions
 - b) an alternate date for the Council choose for its endorsement of the draft Community Strategic Plan is 18 May 2022 Ordinary Council Meeting;
 - c) review its Draft Rating and Revenue Policy 2022 – 2023; and
 - d) review its Draft Fees and Charges 2022 – 2023.
- 5) 18 May 2022 the Council to endorse for public exhibition and comment the reviewed:

- a) Resourcing Strategy 2022 – 2032 inclusive of its:
 - Long Term Financial Plan 2022 – 2032;
 - Workforce Development Plan 2022 – 2026; and
 - Asset Management Strategy 2022 – 2032.
 - b) Draft Delivery Program 2022 – 2026.
 - c) Draft Annual Operational Plan 2022 – 2023 that includes the Council’s annual operating budget.
 - d) Draft Rating and Revenue Policy 2022 – 2023.
 - e) Draft Fees and Charges 2022 – 2023.
- 6) 22 June 2022 or at a date after that and before the 30 June 2022, the Council convenes an Extraordinary Meeting (needed to comply with the 28-day exhibition requirements), at which the Council will adopt:
- a) Its final suite of Integrated Plans; and
 - b) Set its 2022 – 2023 financial year rates and charges by a separate resolution.
-

Report:

Each year, NSW Councils must undertake a statutory review of their Integrated Plans for the upcoming financial year. An NSW Council’s suite of Integrated Plans includes the following:

- Community Strategic Plan; (10-year minimum)
- Resourcing Strategy;
 - Long Term Financial Plan (10-year minimum)
 - Asset Management Strategy (10-year minimum)
 - Workforce Development Plan (4-year)
- Delivery Program (4-year) which must also include a 4-year budget forecast; and
- Annual Operational Plan, which must also include the Council’s annual budget.

The recommended draft timetable (based on projected Ordinary Council meeting dates) sets out the milestones for the Council’s review of its suite of Integrated Plans.

4. CLOSE OF MEETING