



Hay Shire
COUNCIL

Business Paper

Extraordinary Meeting
Tuesday
18th September 2012

VISION, MISSION STATEMENT AND CORPORATE VALUES

Vision

“Maintain Hay Shire’s strong, safe community, whilst striving to continuously improve.”

Mission Statement

To be a progressive rural council committed to

- Caring for the welfare of our citizens;
- Protecting the environment;
- Sustaining a climate that encourages opportunities to achieve a sound economic base;
- Managing the Council’s limited resources in an open and accountable manner consistent with the principles of value for money and equity.

Corporate Values

Integrity – We will be honest, fair and ethical in all our dealings, complying with the letter and the spirit of the law. We will make decisions in an unbiased, objective manner devoid of any personal interests or prejudices. We will treat all people with respect.

Openness - We will be readily accessible and will be transparent in all our dealings. We will communicate truthfully and regularly with our community. We will give reasons for our decisions.

Responsiveness – We will consult with our community and other stakeholders and be guided by their wishes. We will deliver on our promises.

Quality of Service – We will strive to provide best-practice services through continuous improvement and embracing new ideas and we will respond promptly to service problems.



Hay Shire Council

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Hay Shire
COUNCIL

14 September 2012

The Mayor and Councillors
Hay Shire Council
PO Box 141
HAY NSW 2711

Ladies and Gentlemen:

NOTICE OF EXTRAORDINARY MEETING

I have to inform you that an extraordinary meeting of the Hay Shire Council will be held in the Council Chambers on:

Tuesday 18th September 2012 at 1.00pm

Yours sincerely,

Allen Dwyer
General Manager

General Manager's Report

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Clause

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18 September 2012

C1 - Election of Mayor and Deputy Mayor

REPORTING OFFICER	Allen Dwyer - General Manager
ATTACHMENTS	Schedule 7 Local Government (General) Reg 2005
FILE NUMBER(S)	

INTRODUCTION

The election of mayor and deputy mayor is to take place at this meeting.

COMMENTARY

The Local Government Act 1993 and the Local Government (General) Regulation 2005 determine the procedures relating to the election of mayor and deputy mayor. The relevant procedures are as follows –

- The election of the mayor by councillors is to be held during the month of September and is to be conducted in accordance with Schedule 7 of the Local Government (General) Regulation 2005.
- A mayor elected by councillors holds office for one year.
- The councillors may elect a deputy mayor
- The deputy mayor may hold office for one year or some shorter period determined by council.
- The general manager or a person appointed by the general manager is the returning officer.
- The nomination is to be made in writing by two or more councillors, one of whom may be the candidate.
- The nomination is not valid unless the nominee has consented to the nomination in writing.
- If more than one nomination is received, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting. Open voting means voting by a show of hands.
- The determination of the type of voting and the election are to be held at the same council meeting.
- The formality of a ballot paper is to be determined in the same manner as applies to an election for councillors.

Nomination forms have been included with the business paper. They need to be signed by two councillors and endorsed by the councillor being nominated and returned to me prior to the ballot.

In view of the allegations surrounding the election of Mayor last year I have elected to appoint Mr John Breen as the Returning Officer for the election of Mayor and Deputy Mayor. Mr Breen will be assisted by the Boy Captain and Girl Captain of the Hay War Memorial High School.

RECOMMENDATION

The office of mayor and deputy mayor be determined by ordinary ballot should more than one nomination be received for the position(s).

Schedule 7 Election of mayor by councillors

(Clause 394 Local Government Act)

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 (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.

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.

18th September 2012

C2 - Standing Committees

REPORTING OFFICER	Allen Dwyer – General Manager
ATTACHMENTS	
FILE NUMBER(S)	

INTRODUCTION

Council needs to determine the Chairpersons of its two Standing Committees.

COMMENTARY

Council currently has two Standing Committees:-

Works & Planning Committee – responsible for:-

- Roads
- Drainage
- Parks and Gardens (including Cemetery)
- Water & Sewerage
- Waste Depot
- Operational Buildings (eg. depot, pump station)
- Development Issues

Plant & Property Committee – responsible for:-

- Plant
- Public Buildings (eg halls, library)
- Council housing
- Administrative Centre

Composition:-

- All Councillors are members of the two Standing Committees with a quorum set at four.

Meeting time and dates:-

The current time and dates of the Standing Committees has been set at 1.00pm on the third Tuesday of each month with the Council meeting held on the fourth Tuesday at 1.00pm.

RECOMMENDATION

That Council appoint a Chairperson for the Works and Planning Committee and the Plant and Property Committee.

18th September 2012

C3 - Council Committees

REPORTING OFFICER	Allen Dwyer – General Manager
ATTACHMENTS	
FILE NUMBER(S)	

INTRODUCTION

Council is required to appoint its delegates to the Section 355 Committees and other Committees.

COMMENTARY

The previous delegates were:-

355 Committees

Bishop's Lodge Committee – Cr S McRae
Dunera Committee – Cr P Dwyer
Flood Levee Committee – Cr D Low and Cr B Sheaffe
Hay Gaol Trust Management Committee – Cr P Fayle and Mr M Dowling
Hay Health and Fitness Committee – Cr L Garner
Hay Museums Committee – Cr S McRae
Hay Showground Trust Management Committee – Cr P Fayle, Cr P Dwyer and Cr L Garner
Home and Community Care (HACC) Committee – Cr P Fayle and Cr M Rutledge
Myers Lane Committee – Cr P Fayle, Cr M Rutledge, Cr D Low

Other Committees

Bushfire Advisory Committee – Cr D Low and Cr B Sheaffe
Hay Plains Childcare Centre – Cr L Garner
Hay Rural Support Group – Cr B Sheaffe
Long Paddock Committee – General Manager
Murray Darling Association – Cr B Sheaffe and Cr M Rutledge
RAMROC – Mayor, Deputy Mayor and General Manager
Shear Outback – Mr M Dowling and Cr L Garner (as observer)
South West Arts Group – Ms A Circuit
Traffic Committee – Cr D Low and Director of Technical Services
Western Riverina Community Library – Cr S McRae

RECOMMENDATION

That Council determine its delegates for the various organisations for the next term.