



## **NOTICE OF COUNCIL MEETING**

**An EXTRAORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, APRIL 20, 2004, at 6.00pm and members of Council are requested to attend.**

Paul G. O'Sullivan  
**General Manager**

April 13, 2004

# **COUNCIL BUSINESS AGENDA**

April 20, 2004

## **PUBLIC ACCESS SESSION:**

**PAGE NO.**

**OPENING OF MEETING AND PRAYER (MAYOR):**

**APOLOGIES AND LEAVE OF ABSENCE**

**DISCLOSURE OF INTEREST**

**MAYORAL MINUTES**

**BUSINESS**

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|---|---|-------|
| 1 | Election of Deputy Mayor                          | 1 - 2 |
| 2 | Election of Members to County Councils            | 3 - 4 |
|   | a) Far North Coast County Council                 |       |
|   | b) Richmond River County Council                  |       |
|   | c) Rous County Council                            |       |
| 3 | Election of Committee/Panel/Working Party Members | 5 - 6 |
| 4 | Election of Delegates to External Organisations   | 7     |



## 1 ELECTION OF DEPUTY MAYOR

### 1.1 METHOD OF ELECTION OF DEPUTY MAYOR

The method of election is to be found in Schedule 3 of the Local Government (Elections) Regulation 1993. Relevant extracts of this Schedule are detailed below:-

#### **Returning Officer**

- 1) *The General Manager (or a person appointed by the General Manager) is the Returning Officer.*

#### **Nomination**

- 2) a) *A councillor may be nominated without notice for election as mayor or deputy mayor.*
- b) **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.*
- c) *The nomination is to be delivered or sent to the returning officer.*
- d) *The returning officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.*

#### **Election**

- 3) a) *If only one councillor is nominated, that councillor is elected.*
- b) *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.*
- c) *The election is to be held at the Council meeting at which the Council resolves the method of voting.*
- d) *In this clause:*  
*“ballot” has its normal meaning of secret ballot;*  
*“open voting” means voting by a show of hands or similar means.*

Previously this Council has determined that the election for Deputy Mayor would be by open voting.

#### Recommendation

That the method of election for Deputy Mayor be by open voting.

### 1.2 TERM OF DEPUTY MAYOR

#### **Section 231**

- 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.*

From a practical viewpoint it is preferable that Council elect a deputy mayor. Council needs to determine the period of this appointment. It can be for the full term of this Council or for a lesser period.

Previously the appointment has been for a 12 month period, from September to September, which coincided with the annual election of the mayor. It is appropriate that the deputy mayor's position be appointed for a term which is linked to the September cycle.

Recommendation

That the Council exercise its prerogative to determine the period of appointment for the deputy mayor.

**1.3 ELECTION OF DEPUTY MAYOR**

**Policy No. 1.2.10**

Prior to any election, each candidate for the position of Deputy Mayor may give a short presentation outlining her/his reasons for standing, how s/he would operate as Deputy Mayor, what time commitment would be given and the skills s/he would have to offer. Each candidate may be asked questions from the floor about their candidacy.

**Presentation**

**Election**

**2 ELECTION OF MEMBERS TO COUNTY COUNCILS**

Election to the county councils is for the term of the Council (4 ½ years). Detailed below are extracts from Schedule 5 of the Local Government (Elections) Regulations 1993 on the election process.

***Returning officer***

- 4) *The general manager of the constituent council (or a person appointed by that general manager) is the returning officer.*

***Nomination***

- 5) (1) *A councillor of the constituent council may be nominated for election as a member of the county council.*

(2) *The nomination:*

- (a) *may be made without notice by any councillor of the council; and*  
(b) *is to be in writing delivered or sent to the returning officer, and*  
(c) *is not valid unless the nominee has indicated consent to the nomination in writing.*

(3) *The returning officer is to announce the names of the nominees at a council meeting.*

***Election***

- 6) (1) *If the number of candidates nominated is not more than the number of vacancies to be filled, those candidates are to be declared elected.*

(2) *If there are more candidates nominated than the number to be elected, an election is to be determined by preferential ballot. The ballot is to be conducted by the preparation, marking and counting of ballot papers in the presence of the council.*

***Ballot Papers and voting***

- 7) (1) *The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the figures, 1,2 and so on against the various names so as to indicate the order of their preference for at least the number of candidates to be elected.*

(2) *The formality of a ballot paper under this Part is to be determined in accordance with Clause 76 of this Regulation as if it were a ballot paper referred to in that clause.*

(3) *An informal ballot paper is to be rejected at the scrutiny of votes.*

- 8) *The votes are to be counted in accordance with Schedule 1 of this Regulation.*

### 2 a) Far North Coast County Council

One Councillor to be elected.

#### **Background**

Operating as Far North Coast Weeds (FNCW) the County Council is responsible for the management of declared noxious weeds across the Council areas of Ballina, Byron, (former) Copmanhurst, Kyogle, Lismore, Richmond Valley and Tweed. Each constituent council elects one of its number as a County Council member.

FNCW controls a budget of \$1,257,000, it has a staff of 11. The Council meets bi-monthly and its headquarters are in Lismore where it is administered under a service agreement with Rous Water.

### 2 b) Richmond River County Council

Two Councillors to be elected.

#### **Background**

The Richmond River County Council (RRCC) is responsible for construction and maintenance of flood mitigation infrastructure for the Councils of Ballina, Lismore and Richmond Valley. The works in question were built since 1959 and are located on or adjacent to the Wilson/ Richmond River system, at and downstream of Lismore and downstream of Tatham. RRCC is the construction authority for the Lismore Flood Levee Scheme, which is due for practical completion this year. For other ongoing projects RRCC has an annual budget of around \$2 Million, it employs 5 staff, the Council meets bi-monthly and it too is administered under a service agreement with Rous Water. The Council has four members, two elected by Lismore and one each by Ballina and Richmond Valley.

### 2 c) Rous County Council

Two Councillors to be elected.

#### **Background**

Rous Water is the trading name used by this utility which provides treated water in bulk to the Councils of Ballina (except Wardell), Byron (except Mullumbimby), Lismore (except Nimbin) and Richmond Valley (except Casino). The importance of water management was highlighted during the 2002/03 drought and Rous Water is faced with the challenge of addressing long term sustainable water management. A case can be made for integration and rationalisation of water and wastewater resources in the region as well as accessing new water sources in adjacent areas. The activities of Rous Water are very important to the future of Lismore and this valley catchment.

Each member Council elects two Councillors who attend monthly Council meetings. Rous Water manages a budget of \$26.5m, employs up to 47 staff and runs its operations from Lismore.

**3 ELECTION OF COMMITTEE/PANEL/WORKING PARTY MEMBERS**

**Method of Election**

The method of election of councillors to its committees/panels/working parties is prescribed by sub-clause 24(5) of the Local Government Act Meeting Regulations, as detailed below:

- (5) *Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.*

Council's Committees are made up of various combinations of councillors, the public and staff. No delegation of authority is given to any Committee to direct staff or change council adopted work programs as detailed in the Management Plan. Any matters outside this scope of operation are directly reported to Council.

The Committee structure of the Council is intended to act as a support mechanism for the corporate body when determining matters of policy. No Committee has a decision-making role but rather provide recommendations for consideration at a subsequent Council meeting.

In the majority of situations, sunset Committees will be effective whereas some Committees would seem to be maintained due to tradition, without due thought being given to their appropriateness in contemporary circumstances. This approach flies in the face of the structural changes introduced in the 1993 Local Government Act and there is a message in the recent actions of the Minister for Local Government. He and his government colleagues are determined to sharpen up local government and whilst the methods employed are heavy handed, the effects and results are very plain. Lismore City Council has an opportunity, at the commencement of its new term, to demonstrate that it is focussed on the future, on developing a strategic plan suited to local needs and to ensure that historical linkages fit with that plan rather than vice versa.

It goes without saying that meetings make work. If the meetings are productive then the resources are well used. Over the past eighteen months I have attended at least once, all standing Committee meetings convened through the Council.

In a majority of cases, I am unable to identify that the deliberations of these Committees have resulted in recommendations of significance for the Council to determine. Indeed, the Council's policy on performance reporting by these Committees has been largely absent and the policy (1.2.3) quite correctly spells out that:

*"If the annual report/strategy plan is not forthcoming by the due date, then the composition, operation and overall need for the Committee shall be reviewed by the Council in September/ October."*

The respective dates are aligned to the former electoral cycle but the intent is clear – if a Committee is not providing effective strategic and policy input, its relevance must be questioned. Now is the appropriate time to exercise such a judgement.

Based on results, the Committees which are active and meeting the performance criteria are:

<b>Committee</b>	<b>Councillor Representation</b>
i) Lismore and District Sports Association	3
ii) Roads Management Committee	4
iii) Wayiganna Advisory Panel	1
iv) Art-In-The-Heart Advisory Panel (sunset)	2
v) Economic Development Advisory Board	2
vi) Clunes Wastewater Committee (sunset)	3
vii) General Manager's Performance Review Committee	4
viii) Goonellabah Recreation & Leisure Centre (sunset)	3

These Committees would seem to me to warrant retention as their focus covers key areas of the Council's core future activities and **I RECOMMEND** they be maintained.

This requires nominations to be invited from the floor for each Committee and should more nominations than the required representation be received, an open vote shall be conducted. The representation on these Committees should be determined seriatum as above.

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**Other Committees** created by the former Council ought to be placed in recess for a number of reasons. Firstly, they do not have a current brief and this will not arise until the Council has had an opportunity to develop its strategic plan – anticipated within 6 months. Secondly, the 2004/05 Management Plan and Budget is not reliant on the activities of these Committees for implementation. Thirdly, with the best of intentions, a subsequent decision to truncate a Committee's activities is much more difficult to enact than if the Committee is not convened in the first instance. I want to make it clear that my proposal is to defer creating these Committees until Council has determined its future direction and decided by which mechanism its objectives will be best attained.

Accordingly, **I RECOMMEND** that the following Committees not be reconvened before this Council adopts its Strategic Plan:-

- i. Lismore Tourism Advisory Panel (3)
  - ii. Lismore Art Trust Advisory Panel (1)
  - iii. Aerodrome Advisory Panel (3)
  - iv. Civic Pride Advisory Panel (2)
  - v. Public Transport Advisory Panel (2)
  - vi. Masters Games Organising Committee (2)
  - vii. Nimbin Water Supply Committee (2)
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#### **4 ELECTION OF DELEGATES TO EXTERNAL ORGANISATIONS**

When it comes to the election of delegates to external organisations, with two exceptions it eludes me as to the real purpose of the representation.

The Richmond-Tweed Regional Library Committee (RTRL) is the closest any Committee can come to a County Council in its operations and is subject to a default agreement which entitle Lismore to two Councillor Committee members. Whilst I support our membership strongly, the legal structure of RTRL must be corrected as soon as practicable, although the State Government's legislation is a primary impediment. This matter has been unresolved for nearly a decade.

NOROC is an organisation which has promised much and delivered less. It has no future unless it regroups. At its last meeting in Murwillumbah during March the members of NOROC agreed on two things: -

- it needed to restructure itself into an effective lobbying unit with a regional voice.
- it needed additional resources to achieve its primary aim.

To that end, a workshop to plot NOROC's future has been scheduled for 30<sup>th</sup> April and a key ingredient for uplifting NOROC's standing will be the active involvement of Mayors.

##### **Method of Election**

The method of election of councillors as delegates to various organisations is by open voting.

#### **4.1 NOROC**

Number of Councillors: 2

##### Recommendation:

That the Mayor and one Councillor be elected as delegates on the understanding that within 3 months NOROC reports on progress to restructure itself into an effective regional advocate.

#### **4.2 Richmond Tweed Regional Library Committee**

Number of Councillors: 2 and 1 alternate.

##### Recommendation:

That two Councillors and be elected as delegates and one Councillor as an alternate delegate.

#### **4.3** As for the other organisations listed below, their need for contacts within Council service areas can be adequately met by liaising directly with the relevant Council staff, via myself.

- Richmond River Historical Society
- Senior Citizens Welfare Centre
- Regional Bush Fire Committee
- Lismore Rainforest Botanic Gardens
- Regional Companion Animals Committee