

Extraordinary Council Meeting Minutes

11 January 2022

Grafton – 2.00pm



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01. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Council Chambers, Grafton, 11 January 2022 commencing at 2.00 pm and closing at 3.32pm.

COUNCIL RESOLUTION

Toms/Novak

That it be noted in the absence of an Elected Chair, the A/General Manager open the meeting and chair the first three items.

Voting recorded as follows:

For: Smith, Novak, Tiley, Whaites, Day, Clancy, Johnstone, Toms, Pickering

Against: Nil

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

I acknowledge the traditional custodians of these lands on which this meeting is taking place and pay tribute and respect to the Elders both past and present of the Bundjalung, Gumbaynggirr and Yaegl nations which lie within the Council boundaries.

ANNOUNCEMENT

All present are advised that this meeting is being broadcast and audio recorded. The recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. Speakers are asked not to make insulting or defamatory statements and to take care when discussing other people's personal information. No other persons are permitted to record the meeting unless specifically authorised by Council to do so.

ATTENDEES

Cr Jeff Smith, Cr Debrah Novak, Cr Ian Tiley, Cr Allison Whaites, Cr Bill Day, Cr Greg Clancy, Cr Peter Johnstone, Cr Karen Toms, Cr Steve Pickering

PRESENT

A/General Manager (Laura Black), Director Environment & Planning (Adam Cameron), Director Works & Civil (Jamie Fleeting), A/Director Corporate & Governance (Alex Moar) and Minutes Secretary (Karlie Chevalley).

02. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE - Nil**03. DISCLOSURES AND DECLARATIONS OF INTEREST - Nil**

ITEM 6a.22.001 TAKING THE OATH OF OFFICE

Meeting	Extraordinary	11 January 2022
Directorate	Office of General Manager	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Yes	

SUMMARY

This report officialises and publicly records councillors 'Taking the Oath' of Office.

OFFICER RECOMMENDATION

That Council notes the 'Taking of Oath' by individual councillors.

COUNCIL RESOLUTION**Toms/Novak**

That the following Councillors took the oath or an affirmation of office before the General Manager:

- Jeff Smith
- Debrah Novak
- Allison Whaites
- Ian Tiley
- William Day
- Greg Clancy
- Peter Johnstone
- Karen Toms
- Steve Pickering

Voting recorded as follows:

For: Smith, Novak, Tiley, Whaites, Day, Clancy, Johnstone, Toms, Pickering

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership – We will have a strong, accountable and representative Government

BACKGROUND

Oaths or affirmations of Office must be taken, or made by each councillor at, or before the first meeting of the Council after being elected.

Elected members are required to be present to take the Oath before the general manager.

The words of the Oath are prescribed as follows:

I, [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of 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.

Taking the Oath is recommended as the first item of business for the first meeting.

A record must be kept of the 'Taking of the Oath' by the General Manager.

A councillor who fails, without reasonable excuse, to take the oath or make an affirmation of office, will not be 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 (3) consecutive meetings their office is automatically declared vacant and a by-election or countback must be held.

KEY ISSUES

Each individual councillor is requested to sign a statement that contains the Oath, which along with this report satisfies the requirement to keep a record that the Oath has been taken.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Laura Black, A/General Manager
Attachment	Nil

ITEM	6a.22.002	ELECTION OF A MAYOR FOR THE PERIOD JANUARY 2022 – SEPTEMBER 2023
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Meeting	Extraordinary	11 January 2022
Directorate	Office of General Manager	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Yes	

SUMMARY

This report deals with the election of a mayor.

OFFICER RECOMMENDATION

That

1. The Acting General Manager, as Returning Officer, call for nominations for the election of a mayor.
2. The form of the mayoral election be by way of:
 - i. Open voting (by show of hands) **OR**
 - ii. Ordinary ballot (a secret ballot on paper by placing an X against the candidate of choice) **OR**
 - iii. Preferential ballot (a ballot on paper by placing 1,2,3, etc against each candidate in preferential order)
(delete two methods to form resolution)

MOTION

Toms/Johnstone

That

1. The Acting General Manager as returning officer call for nominations for the election of the mayor.
2. The form of voting be by the way of open voting (show of hands).

Voting recorded as follows:

For: Smith, Novak, Tiley, Whaites, Day, Clancy, Johnstone, Toms, Pickering
Against: Nil

MOTION CARRIED

MOTION

Pickering/Day

That each of the nominees be invited to address the meeting for a maximum of 5 minutes

Voting recorded as follows:

For: Smith, Novak, Tiley, Whaites, Day, Clancy, Johnstone, Toms, Pickering
Against: Nil

MOTION CARRIED

The Returning Officer advised that the following nominations for Mayor had been received:

1. Cr Debrah Novak (D Novak/J Smith)
2. Cr Ian Tiley (W Day/G Clancy)
3. Cr Karen Toms (A Whaites/K Toms)

ELECTION**COUNCILLOR - VOTES**

Cr Tiley – Crs, Pickering, Clancy, Tiley, Johnstone, Day
Cr Toms – Crs, Toms, Whaites
Cr Novak – Crs, Novak, Smith

Because the lowest number of votes were tied, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, the A/General Manager wrote the names of the candidates on similar slips of paper, folded them and placed them in a barrel. Cr Novak's name was excluded from the vote after being drawn from the barrel.

A second ballot was conducted by a show of hands for the remaining two candidates.

Cr Tiley – Crs, Pickering, Clancy, Tiley, Johnstone, Day
Cr Toms – Crs, Novak, Whaites, Toms, Smith

Following the ballot the Returning Officer declared that Councillor Tiley on a count of 5 votes and Councillor Karen Toms on a count of 4 votes, Councillor Tiley was elected Mayor for the period January 2021 to September 2023 when a mid-term election for Mayor will be held.

Councillor Ian Tiley is declared the Mayor and congratulations are given.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership – We will have a strong, accountable and representative Government

BACKGROUND

The Local Government Act (the Act) (s.290) requires a mayoral election within three (3) weeks of the declaration of the election. The declaration of the election was made on Tuesday 21 December 2021.

Mayors elected by councillors normally hold their office for two (2) years (unless a casual vacancy occurs). The postponement of the ordinary council elections to 4 December 2021, means mayors elected by councillors will have a shorter term than the usual two years. The term of mayor will be until September 2023, when a mid term election of mayor will be held in accordance with s290(1)(b) of the Act.

The Local Government (General) Regulation Schedule 7, stipulates the general manager (or a person appointed by the general manager) is the Returning Officer.

A copy of the 'Role and Delegations of the Mayor' is attached for information.

KEY ISSUES

In accordance with the Act and Local Government Regulation, nominations for mayor must be in writing, signed by two Councillors and the nominee must consent in writing. The nomination and acceptance can be made prior to the meeting.

A brief summary of the Regulation follows.

Any nominations prepared prior to the meeting must be handed to the Acting General Manager in her capacity as Returning Officer for the election. Nomination forms are included in the attachments.

If there is more than one candidate nominated, an election is necessary and Council must decide whether the election will be by:

- A. Ordinary Ballot
- B. Preferential Ballot
- C. Open Voting

The form of ballot should be determined after the calling of nominations, and the General Manager will call for a motion accordingly.

An Ordinary Ballot is a secret ballot. If there are two candidates, the person receiving the higher number of votes is declared elected. Should there be three or more candidates, the candidate receiving the lowest number of votes is excluded and fresh votes are taken until one candidate remains. A cross (X) against the candidate whose nomination is being supported is all that is required when voting.

A Preferential Ballot is a secret ballot and the system can only be adopted if there are more than two candidates. Voting is in order of preference, with votes being marked 1, 2, 3, etc.

If a candidate receives more than half of the total votes, that candidate is declared elected. If not, the candidate with the lowest number of votes is excluded and their preferences are distributed. This procedure is followed until one candidate receives more than half of the total votes. They are then declared elected.

Open Voting is by a show of hands and is considered the most transparent method of voting as it reflects normal council voting methodology. If there are two candidates, the person receiving the higher number of votes is declared elected. If there are more than two candidates, the person with the lowest number of votes is excluded and this procedure is repeated until one candidate receives a simple majority of the votes.

Where candidates receive the same number of votes, the situation is resolved 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 so as to prevent the names being seen. The slips of paper are mixed and one is drawn at random by the Returning Officer and the candidate whose name appears on the drawn slip is chosen. That candidate is declared elected.

COUNCIL IMPLICATIONS

Budget/Financial

The Mayoral Allowance for 2021/2022 is currently \$61,280 pa less the Deputy Mayor's allowance of \$7,140 pa (refer Item 6c.21.075 June 2021 Council meeting).

Asset Management

N/A

Policy or Regulation

Local Government Act and Regulation

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Karlie Chevalley, Executive Support Assistant
Attachment	A. Nomination Form for Election of Mayor B. Role and Delegations of the Mayor

ITEM	6a.22.003	ELECTION OF DEPUTY MAYOR FOR THE PERIOD JANUARY 2022 – SEPTEMBER 2023
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Meeting	Extraordinary	11 January 2022
Directorate	Office of General Manager	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Yes	

SUMMARY

This report deals with the election of a deputy mayor.

OFFICER RECOMMENDATION

That

1. Council elect a deputy mayor for the period January 2022 – September 2023.
2. the Acting General Manager, as Returning Officer, call for nominations for the election of deputy mayor and conduct the election by way of Open Voting (by show of hands).

MOTION

Toms/Novak

That

1. Council elect a deputy mayor for the period January 2022 – September 2023.
2. the Acting General Manager, as Returning Officer, call for nominations for the election of deputy mayor and conduct the election by way of Open Voting (by show of hands).
3. The nominees for the office of Deputy Mayor be invited to speak to the council for a period of up to 3 minutes to tell us about their aspirations of being Deputy Mayor.

Voting recorded as follows:

For: Smith, Novak, Tiley, Whaites, Day, Clancy, Johnstone, Toms, Pickering

Against: Nil

The Returning Officer advised that the following nominations for Deputy Mayor had been received:

1. Cr Greg Clancy (W Day/S Pickering)
2. Cr Allison Whaites (K Toms/A Whaites)
3. Cr Jeff Smith (J Smith/D Novak)

ELECTION**COUNCILLOR - VOTES**

Cr Clancy – Crs, Pickering, Clancy, Tiley, Johnstone, Day

Cr Whaites – Crs, Whaites, Toms

Cr Smith - Crs, Novak, Smith

Because the lowest number of votes were tied, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, the A/General Manager wrote the names of the candidates on similar slips of paper, folded them and placed them in a barrel. Cr Whaites name was excluded from the vote after being drawn from the barrel.

A second ballot was conducted by a show of hands, for the remaining two candidates.

Cr Clancy – Crs, Pickering, Clancy, Tiley, Johnstone, Day

Cr Smith – Crs, Novak, Whaites, Toms, Smith

Following the ballot the Returning Officer declared that Councillor Clancy on a count of 5 votes and Councillor Jeff Smith on a count of 4 votes, Councillor Clancy was elected Deputy Mayor for the period January 2021 to September 2023.

Councillor Greg Clancy is declared the Deputy Mayor and congratulations are given.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership - We will have a strong, accountable and representative Government

BACKGROUND

The position of Deputy Mayor is not a mandatory requirement of the Local Government Act (the Act). However, Clarence Valley Council has previously elected and remunerated (detailed in a separate report to Council) the role of a Deputy Mayor.

KEY ISSUES

Section 231 of the Act states:

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 Local Government Act does not specify the method of voting for the Deputy Mayor and the officer recommends Open Voting, which reflects normal council voting methodology and is the most transparent method of voting.

Council may alternatively resolve that the election of deputy mayor be conducted by:

- iv. Ordinary ballot (a secret ballot on paper by placing an X against the candidate of choice) OR
- v. Preferential ballot (a ballot on paper by placing 1,2,3, etc against each candidate in preferential order)

Any nominations prepared prior to the meeting must be handed to the Acting General Manager in her capacity as Returning Officer for the election in accordance with the Local Government (General) Regulation Schedule 7. Nomination forms are included in the attachments.

Should Council determine not to elect a deputy mayor, an alternative motion is provided as follows:

That Council does not elect a deputy mayor for the period January 2022 – September 2023.

COUNCIL IMPLICATIONS**Budget/Financial**

The Deputy Mayor's allowance is currently \$7,140 pa and is funded from the Mayoral Allowance for 2021/22 of \$61,280 pa (refer Item 6c.21.075 June 2021 Council meeting).

Asset Management

N/A

Policy or Regulation

Local Government Act and Regulation

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Karlie Chevalley, Executive Support Assistant
Attachment	Nomination Form for Election of Deputy Mayor

COUNCIL RESOLUTION**Johnstone/Day**

That Council adjourn of 5 minutes for the A/General Manager to vacate the Chair, to rearrange the room and for the Mayor to take the chair.

Voting recorded as follows:**For: Smith, Novak, Tiley, Whites, Day, Clancy, Johnstone, Toms, Pickering****Against: Nil**

The Meeting restarted at 2:59pm and the Mayor took the Chair.

On taking the Chair the Mayor gave the following acceptance speech.

Welcome everyone to this extraordinary council meeting, the first of the new term.

I thank colleagues for your support today.

You confer a high honour, which I will cherish. I feel very humbled to return to this position.

Congratulations to Councillors Novak and Toms for standing for the position of Mayor

Congratulations to Deputy Mayor Dr Greg Clancy. Indeed, congratulations to each councillor on your recent election. I look forward to working with all of you my colleagues for the wonderful Clarence community we represent.

This is the beginning of a new era for Clarence Valley Council.

The governing body has been elected with the task of governing effectively. To do that we will require timely information provision from our executive staff who must work closely with the Council.

I seek change to a more 'can do' attitude. Not about why we cannot do but how we can help our constituents achieve. We need to be more attuned and responsive to the people's needs.

The tasks of governing will be the Council's responsibility and the role of the Acting General Manager, and her staff will be administering and supporting the governing body and its decisions.

We have a special staff team at Council some of whom I have worked closely with in the past, and for whom I have the greatest respect. I look forward to again working closely with these special people and all Council staff, within the boundaries of the Code of Conduct.

We as your Council will strive that our community is viable and vibrant and that our environment and biodiversity is protected and enhanced, so that we can look our future generations in the eye and say we tried our best.

Improving the trust and confidence of the Clarence community will be a very high priority. We commit to transparency and openness, and thereby, community trust and confidence in Clarence Valley Council, which belongs to the people we are privileged to represent. We must always fight for accountability and good governance.

We will be about policy setting and continuous policy review. Our staff will be enablers of our policy decisions.

I intend that Councillors and senior staff visit all towns and villages on Saturdays over the next few months and again when we consult on the operational plan and budget in May/June. We will also conduct 'town hall' style meetings in Grafton, Maclean, Yamba and Iluka. We want to connect and listen.

This will be for me, a full-time role. I will be in Grafton or Maclean office every day but you don't need to come to a council office to meet me. I will meet constituents anywhere. I pledge to commit to the role of Mayor all my energy, experience and capacity.

My door will be open to all. No exceptions. My colleagues and I will regularly be at coffee shops and public spaces to have informal chats with you. Genuine community engagement will be front and centre.

My eight colleagues will form a list of guest speakers to address and liaise with the diverse local community groups, organisations and local radio stations. They will convey Councils important messages but most importantly will listen to you. This will truly be a team effort.

I will meet each councillor regularly and individually. First meetings will be held over the next couple of weeks so that I can ascertain the hopes, goals and aspirations of each Councillor. I am requesting that the Acting General Manager meet separately for an hour per month with each Councillor

We will not hand back hard-won grants. Rather we will search for grant opportunities. We will meet and work closely and cooperatively with our State and Commonwealth parliamentary representatives.

I will advocate and seek Council support for further structural and organisational reform over time and an external review of senior management.

We will receive a full review of the Council's financial situation and we will explore opportunities for further financial reform to ensure long term financial sustainability.

There is a real need for cultural and attitudinal reform Work practices need review and modernising. We will support the now mandatory service levels review to ascertain the relevance and need of services and whether greater efficiencies can be achieved.

There needs to be a continual review and updating of Council's suite of policies. Review of roadwork priorities and a roads inspection should occur as soon as possible.

Council will resurrect the CV Aboriginal Consultative Committee to give the 5 CV aboriginal communities direct access to the Council.

We will review the Council Committee system as an immediate priority. Council will endeavour to provide greater support for tourism and economic development.

Turn-around times for DA's can be improved. Fast tracking of straightforward developments is important to improving local job prospects especially for our young people. I support the Council being more proactive in terms of supporting jobs creation.

I will bring a new style to conduct of our Council meetings, and seek to streamline and modernise the Council meeting cycle.

I will be encouraging healthy and respectful councillor debate in Council meetings on the issues we face. We as the governing body wish to be more welcoming and supportive of people seeking to invest in our LGA as well as to existing businesses. I will introduce planning inspection site visits for all substantial DA's and other contentious matters.

We the Councillor team are up for the challenges ahead. I greatly value and support teamwork. It is vital. It is about the Council team - not me, not the individual. This will be a time to better engage the community on important decisions Council is considering – before decisions are taken.

A time to reinvigorate our dialogue with the community, to reach out to them, and to bring the community with us on this journey. A time to protect and improve council's reputation. Vitally it will be a time to re-imagine the Clarence Valley and all that its future can be. Our stewardship will lead that re-imagining.

I bring 58 years local government experience – as a GM – a councillor to seven local councils and a mayor to three councils including first Mayor of this Council. My goal is for this Council to be a leading, high-performing NSW local government, admired and respected by the community.

Enough words. We now must get to work for our constituents.

Again, thank you for this high honour. I request that this speech be embedded in the Minutes of this Council meeting.

Thank you
Cr Ian Tiley
Mayor CVC, 11th January 2022

ITEM	6a.22.004	USE OF COUNTBACKS TO FILL CASUAL VACANCIES OF OFFICE
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Meeting	Extraordinary	11 January 2022
Directorate	Office of General Manager	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Nil	

SUMMARY

This report requires Council to consider filling casual vacancies occurring in the offices of councillors in the first 18 months after the election.

OFFICER RECOMMENDATION

That

1. In accordance with s291A(1)(b) of the Local Government Act 1993 (the Act), Clarence Valley Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of the 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.
2. The Acting General Manager notify the NSW Electoral Commission of the Council's decision within seven (7) days of the decision.

COUNCIL RESOLUTION

Toms/Novak

That

1. **In accordance with s291A(1)(b) of the Local Government Act 1993 (the Act), Clarence Valley Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of the 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.**
2. **The Acting General Manager notify the NSW Electoral Commission of the Council's decision within seven (7) days of the decision.**

Voting recorded as follows:

For: Smith, Novak, Tiley, Whaites, Day, Clancy, Johnstone, Toms, Pickering

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership – We will have strong, accountable and representative Government

BACKGROUND

Following the 2021 local government elections, councils, for the first time have the option of filling casual vacancies created in the elected membership within the first 18 months of the term, by way of countback of votes rather than a by-election.

A countback of votes is more cost effective than a by-election.

To exercise the option of using a countback to fill casual vacancies, councils must resolve at their first meeting after the election to use a countback.

KEY ISSUES

- If not resolved at the first meeting after the election, councils will be required to fill any vacancy through a by-election.
- Under the Local Government (General) Regulation 2005, the general manager is required to notify the election manager of the council's decision within seven (7) days of the resolution, where a decision to use a countback has occurred.

- While not applicable to Clarence Valley Council, countbacks are not available to fill casual vacancies of office where:
 - The councillor who vacated office was elected at an election using the optional preferential voting system (ie. 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.
- The wording of the officer's recommendation is provided by the Office of Local Government.

COUNCIL IMPLICATIONS**Budget/Financial**

Council currently budgets \$100,000 annually toward local government elections.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Laura Black, A/General Manager
Attachment	Nil

ITEM	6a.22.005	REMUNERATION FOR COUNCILLORS, MAYOR AND DEPUTY MAYOR FOR 2021/2022
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Meeting	Extraordinary	11 January 2022
Directorate	Office of General Manager	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Yes	

SUMMARY

This report reaffirms and makes transparent the remuneration for Councillors, Mayor and Deputy Mayor for the remainder of the 2021/2022 financial year, in accordance with the resolution of Council made June 2021 (MIN 6c.21.075).

OFFICER RECOMMENDATION

That Council notes fees payable to elected members as follows:

1. Councillors allowance is \$24,810 pa.
2. Deputy mayor's allowance is \$31,950 pa.
3. Mayor's allowance is \$78,950 pa.

COUNCIL RESOLUTION

Johnstone/Day

That Council notes fees payable to elected members as follows:

1. Councillors allowance is \$24,810 pa.
2. Deputy mayor's total remuneration is \$31,950 pa.
3. Mayor's total remuneration is \$78,950 pa.

Voting recorded as follows:

For: Tiley, Day, Clancy, Johnstone, Toms, Pickering

Against: Smith, Novak, Whaites

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership - We will have a strong, accountable and representative Government

BACKGROUND

Sections 248 and 249 of the Act require councils to fix and pay an annual fee to councillors and mayors from 1 July 2021 based on the Tribunal's determination for the 2021/2022 financial year.

In June 2021 (MIN 6c.21.075) Council resolved:

COUNCIL RESOLUTION – 6c.21.075

Lysaught/Baker

That

1. Council note the determination of the Tribunal.
2. Fees payable to the elected members increase by 2% for the 2021/2022 financial year.
3. The Deputy Mayor allowance be \$7,000 plus 2% to be funded from the Mayoral allowance.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Williamson, Lysaught, Toms

Against: Clancy, Novak

CARRIED

The following table shows the current fees paid to Councillors.

	2021/22	TOTAL
All elected members	\$24,810	\$24,810
Deputy Mayor	\$7,140	\$31,950
Mayor (additional)	\$54,140 (\$61,280 - \$7,140)	\$78,950

Previously, the Deputy Mayor allowance was 4/52 of the Mayoral allowance. However, in July 2020 Council resolved (MIN 6c.20.104) to make the allowance \$7,000 for the year 1 July 2020 to 30 June 2021. In June 2021, Council resolved (MIN 6c.21.075) to make the allowance \$7,000 + 2% for the year 1 July 2021 to 30 June 2022.

KEY ISSUES

- If a council does not fix a fee, the council must pay the minimum fee determined by the Tribunal.
- The Local Government Remuneration Tribunal will determine any increase to the fees for 2022/2023 financial year and this will be reported to Council on receipt.
- Payments will be pro rata for the remainder of the financial year.
- Councillors fees are paid monthly unless a lump sum once off payment for the financial year is requested.

COUNCIL IMPLICATIONS

Budget/Financial

As resolved in June 2021 (6c.21.075) the 2021/2022 budget for Councillor Fees, is \$284,570 in total.

Asset Management

N/A

Policy or Regulation

Sections 248 and 249 of the *Local Government Act* apply to the determining and payment of annual fees for councillors and the mayor.

Consultation

N/A

Legal and Risk Management

The amounts payable to elected members are determined by the NSW Remuneration Tribunal.

Climate Change

N/A

Prepared by	Alex Moar, Acting Director Corporate & Governance
Attachments	Nil

The Mayor called for a minutes silence to recognise the recent loss of two upstanding citizens.

COUNCIL RESOLUTION

Day/Clancy

That a letter of condolence be sent to the families of late John Harvey and Stan Mussared.

Voting recorded as follows:

For: Smith, Novak, Tiley, Whites, Day, Clancy, Johnstone, Toms, Pickering

Against: Nil

ITEM	6a.22.006	COUNCIL MEETINGS
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Meeting	Extraordinary	11 January 2022
Directorate	Office of General Manager	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Nil	

SUMMARY

This report deals with arrangements for meetings of Council.

OFFICER RECOMMENDATION

That

1. The venue for the meetings of the Ordinary Council Meetings rotate between Grafton and Maclean, commencing with the February 2022 Ordinary Council Meetings being held in Maclean.
2. Two Ordinary Council Meetings be held each month on the second and fourth Tuesday commencing at 2:00pm, with the exception of January when no Ordinary Meetings are to be held and December when only the Ordinary Meeting on the second Tuesday of the month will be held.
3. The Code of Meeting Practice be amended to reflect the resolution of Council.
4. The Chair of the Ordinary Meetings be the Mayor, or the Deputy Mayor in the absence of the Mayor.

COUNCIL RESOLUTION**Tiley/Day**

That this item be deferred to enable an information session to be conducted at the commencement of this Friday's workshop session to discuss options to improve and streamline the Council meeting cycle.

Voting recorded as follows:

For: Smith, Novak, Tiley, Day, Clancy, Johnstone, Pickering

Against: Toms, Whaites

FORESHADOWED MOTION

Toms

That

1. The venue for the meetings of the Ordinary Council Meetings rotate between Grafton and Maclean, commencing with the February 2022 Ordinary Council Meetings being held in Maclean.
2. Two Ordinary Council Meetings be held each month on the second and fourth Tuesday commencing at 2:00pm, with the exception of January when no Ordinary Meetings are to be held and December when only the Ordinary Meeting on the second Tuesday of the month will be held.
3. The Code of Meeting Practice be amended to reflect the resolution of Council.
4. The Chair of the Ordinary Meetings be the Mayor, or the Deputy Mayor in the absence of the Mayor.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership – We will have an effective and efficient organisation

BACKGROUND

The fixing of the time, date and place of meetings is a matter for Council to determine. In determining these matters, Council should consider the availability of councillors, convenience to the public and some balance for the cost of staff time if after hours meetings are proposed. Staff other than the general manager and senior executive, are paid under the conditions of the Local Government Award 2021.

The recommendation constitutes a change to the practice of the previous Council.

Previously, Council operated as follows:

- Two Standing Committee meetings each month, held on the third Tuesday at
 - 2:00 pm for the Corporate, Governance and Works Committee
 - 3:30 pm for the Environment, Planning and Community Committee
- One Council Meeting each month on the fourth Tuesday, commencing at 2:00pm, at which Standing Committee recommendations were ratified.
- No meetings were held in January, and only an Ordinary Meeting of Council was held at a date determined by resolution prior.

The Standing Committees reflected the 2017 adopted organisational structure.

Venue:

Council has suitable meeting room facilities at both the Grafton and Maclean Administration Centres. As practice, Council has held meetings on a rotational basis between Grafton and Maclean, enabling face to face community attendance across the Valley.

Day/Time:

Days and times for Council Meetings are a matter for Council, with consideration given to availability of councillors, accessibility by members of the public and additional cost of Award staff attendance at meetings held after hours (post 6pm).

KEY ISSUES

The proposed two meetings per month is recommended for efficiency, ensuring two opportunities each month for Council to make decisions.

Under a Committee structure, only one opportunity exists each month to make decisions. And in the past, this has had an effect on resourcing of subsequent actions when timeframes are tight, has resulted in the tabling of late reports in order to have a decision prior to action, has on occasion, required the general manager to act without a decision where a decision of Council, while not required by legislation may have been preferable to increase transparency, and has resulted in the need to call an Extraordinary Meeting. All of these situations have an effect on the efficiency and effectiveness of the organisation and councillors.

The recommended meeting schedule allows for the volume business that comes before the Council to be heard in a timely manner, balancing workloads and complies with the legislative requirement to meet at least 10 times each year, in a different month.

Should Council wish to operate with Standing Committees, an alternative motion is proposed:

That

1. the venue for the meetings of the Ordinary Council Meetings rotate between Grafton and Maclean, commencing with the February 2022 Committee and Ordinary Council Meetings being held in Maclean.
2. the Council Ordinary Meetings be held on the fourth Tuesday of each month commencing at 2:00pm, with the exception of January and December where the Council Ordinary Meeting be held on the second Tuesday of the month.
3. the Standing Committee meetings be held on the third Tuesday of each month as follows:
 - i. 2.00pm for the Corporate and Governance and Works Committee
 - ii. 3.30pm for the Environment and Planning Committeewith the exception of January.
4. the membership of the Standing Committees be determined as, the mayor and four councillors to each Committee as follows:
 - i. Corporate and Governance and Works Committees – mayor and councillors (4 x to be nominated)
 - ii. Environment and Planning Committee – mayor and councillors (4 x to be nominated)
5. in the event the mayor does not wish to be chair of each committee, a member of each committee be elected as chair by each committee at the first meeting of the committee.

The proposed Standing Committee reflect a change in the organisational structure.

Under Part 10, Division 5 s267 of the Local Government Regulation 2005, the chairperson of each committee of the council must be the mayor, or in the event the mayor does not wish to be chair, a member of the committee elected to be chair by either the Council or the Committee.

The Council or the Committee may elect a deputy chair to act in the absence of the chair.

It is further proposed that workshops and briefing sessions be held at least monthly and that the Code of Meeting Practice to be considered at the February Ordinary Meeting reflect the preferred regularity.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet.

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Laura Black, A/General Manager
Attachment	Nil

ITEM 6a.22.007 AUSTRALIA DAY 2022 – NOMINATE COUNCILLOR ADVOCATE

Meeting	Extraordinary	11 January 2022
Directorate	Office of General Manager	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Nil	

SUMMARY

This report addresses the Clarence Valley Australia Day Award process and combined Awards and Citizenship Ceremony morning tea.

OFFICER RECOMMENDATION

That Council,

1. Note the information provided regarding the 2022 Australia Day Awards.
2. Nominate a Councillor as the 2022 'Australia Day Advocate'.

COUNCIL RESOLUTION**Tiley/Toms**

That Council,

1. Note the information provided regarding the 2022 Australia Day Awards.
2. Nominate a Councillor as the 2022 'Australia Day Advocate'.

Voting recorded as follows:

For: Smith, Novak, Tiley, Whaites, Day, Clancy, Johnstone, Toms, Pickering

Against: Nil

COUNCIL RESOLUTION**Toms/Whaites**

That Council nominate Councillor Smith as the 2022 'Australia Day Advocate'.

Voting recorded as follows:

For: Smith, Novak, Tiley, Whaites, Day, Clancy, Johnstone, Toms, Pickering

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme Society – We will have proud and inviting communities

BACKGROUND

At its meeting held September 2011, Council resolved (12.163/11) to:

- Introduce a community selection panel to assess Award nominations,
- Conduct the Awards Ceremony on Australia Day eve, and
- Appoint a Councillor as Australia Day Advocate.

Due to changes to the Australian Citizenship Ceremonies Code, at its meeting held 22 October 2019, Council resolved (6c.20.063):

That Council

1. Conduct a citizenship ceremony on Australia Day (January 26).
2. Invite the Federal Member for Page to attend our citizenship ceremonies to read the Minister's message.
3. Adopt the dress code for ceremonies and advise the Department of Home Affairs.

Australia Day occurs on Wednesday, 26 January 2022 and now that councils are required to conduct a Citizenship Ceremony on Australia Day and due to COVID-19 restrictions, it is proposed that the 2022 Australia Day Awards and Citizenship Ceremony be combined and a morning tea (free event) be held at the Yamba Golf & Country Club at 11am on Wednesday 26 January.

The role of the Australia Day Advocate (Councillor) is to represent Council on the Australia Day Awards Selection Panel and attend the event in an official capacity.

There are 7 citizens making their Australian Citizenship pledge.

KEY ISSUES

An Australia Day Awards Selection Panel will be formed. The Panel will include at least 2 members of the community and a Councillor nominated to be the Australia Day Advocate. The primary role of this Panel is to select the Australia Day Award finalists and recipients nominated by the members of the community.

The Panel participants will be sourced from across the Clarence Valley Council Local Government Area through an expression of interest process. An invitation will be sent to the Clarence Valley Aboriginal Advisory Committee to be part of the Panel and to nominate a local person or community group for an Award as per Council Resolution 13.014/19 from 28 May 2019 Council meeting.

The community awards are an integral part of Australia Day celebrations. It provides members of the public and Council with the opportunity to acknowledge and honour active and committed citizens, as nominated and voted by their peers.

The Australia Day Advocate will formally represent Clarence Valley Council at the Australia Day Ceremony. In addition, they will attend the Selection Panel meeting. The timing of this meeting will be determined by Council staff in consultation with the Australia Day Advocate.

COUNCIL IMPLICATIONS

Budget/Financial

Costs will be funded from 996060-6736-2200 for the Australia Day Awards Ceremony
Costs will be funded from 991001-7014-2200 for the Citizenship Ceremony.

Asset Management

N/A

Policy or Regulation

[Australian Citizenship Ceremonies Code](#)

Consultation

Consultation has included CVC Community & Industry Engagement team, Home Affairs, Australia Day Council of NSW, and National Australia Day Council.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Karlie Chevalley, Executive Support Assistant
Attachment	Nil

ITEM	6a.22.008	NOMINATION OF VOTING DELEGATES FOR LGNSW SPECIAL CONFERENCE AND FORMATION OF MOTIONS
Meeting	Extraordinary	11 January 2022
Directorate	Office of General Manager	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Nil	

SUMMARY

Local Government NSW (LGNSW) will be holding a Special Conference in Sydney from 28 February until 2 March 2022. This report is seeking four (4) delegates from Clarence Valley Council to vote at the conference.

Council is also required to form any motions it wishes to lodge for debate, by 30 January 2022.

OFFICER RECOMMENDATION

That Council nominate four (4) councillors to attend the LGNSW Special Conference as voting delegates, to be held in 2022.

COUNCIL RESOLUTION

Clancy/Pickering

That Council nominate the following four (4) Councillors to attend the LGNSW Special Conference as voting delegates, to be held in 2022.

Voting recorded as follows:

For: Smith, Novak, Tiley, Whaites, Day, Clancy, Johnstone, Toms, Pickering

Against: Nil

COUNCIL RESOLUTION

Clancy/Pickering

That the four (4) Councillors to attend the LGNSW Special Conference as voting delegated be:

- 1. Cr Clancy**
- 2. Cr Pickering**
- 3. Cr Toms**
- 4. Cr Johnstone**

Voting recorded as follows:

For: Smith, Novak, Tiley, Whaites, Day, Clancy, Johnstone, Toms, Pickering

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership – We will have a strong, accountable and representative Government

BACKGROUND

LGNSW's Special Conference is an opportunity to share ideas, seek inspiration, and help determine sector policy directions for the coming year.

From 28 February to 2 March, councillors from across NSW are invited to the Hyatt Regency Sydney to debate and discuss the key issues, debate Council-submitted motions and resolve to set LGNSW advocacy priorities for the year ahead. A tradeshow, workshops and training sessions are also available to support delegates in an effort to effectively represent communities.

The Special Conference follows the online 2021 Annual Conference held in November, where the Annual Financial Statements and President and Treasurers reports were heard.

KEY ISSUES

Separate from Conference registration, councils must advise LGNSW of the name(s) of their nominated voting delegates for both the Annual Conference and LGNSW Board election by 5pm (AEDT) on Thursday, 17 February 2022.

The number of delegates that each council has is determined in accordance with Rule 23 of the LGNSW Association Rules. Clarence Valley Council is allocated 4 voting delegates. All delegates must be elected members of council.

The Special Conference Business Paper is expected to be available on the LGNSW website and forwarded to members (in electronic format) approximately two weeks prior to the Conference.

Motions for the Special Conference are required to be submitted by Sunday 30 January 2022 and are therefore required to be resolved by Council at this Extraordinary meeting to meet the deadline.

Conference details can be found at <https://lgnswconference.org.au/>.

Conference attending councillors must provide a report on attendance within two (2) weeks of the conference.

Council is required to name the nominated councillors before resolving.

COUNCIL IMPLICATIONS**Budget/Financial**

Cost of attendance at the Special Conference is met by the Councillors Professional Development & Conferences budget in accordance with the 'Councillor attendance at conferences' and 'Councillor expenses and provision of facilities' policies both available on Council's website [Policies | Clarence Valley Council](#).

Asset Management

N/A

Policy or Regulation

LGNSW Association Rules

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Karlie Chevalley, Corporate Support Assistant
Attachment	LGNSW Motion Submissions Guide

CLOSE OF EXTRAORDINARY MEETING

There being no further business the Extraordinary Meeting closed at 3:32pm.