



MINUTES

SPECIAL MEETING OF COUNCIL

Tuesday, 10 November 2015

Held at the Swan Hill Town Hall,
McCallum Street, Swan Hill
Meeting Room 1
Commencing at 4pm

COUNCIL:

Cr CM Adamson
Cr JN Katis
Cr GW Norton
Cr GI Cruickshank
Cr JA Kiley
Cr LT McPhee
Cr JB Crowe

Confirmed 17 November 2015

Chairperson.....

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SECTION A – PROCEDURAL MATTERS

- **Open**

Acting Chief Executive Officer, David Lenton assumed the chair and declared the meeting open at 4pm.

- **Acknowledgement of Country**

Acting Chief Executive Officer, David Lenton read the Acknowledgement of Country.

- **Prayer**

Cr Katis read the prayer.

- **Apologies**

Nil

SECTION B – REPORTS

B.15.79 MAYORAL TERM OF OFFICE

Responsible Officer: Acting Chief Executive Officer
File Number: 24-19-00
Attachments: Nil

Declarations of Interest:

David Lenton - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

As Council Elections will be held in October 2016 the 2015/16 Mayoral term of office will be for one year.

Discussion

Normally prior to determining the position of Mayor, Council needs to determine whether the Mayoral term is one or two years. However, as Council Elections will be held in October 2016 the 2015/16 Mayoral term will be one year.

Financial Implications

Costs associated with Mayoral allowances and ancillary costs are included in the budget each year.

Currently the Mayoral allowance is \$60,598.22 p.a. plus equivalent superannuation (allowed range up to \$72,834 p.a.). The Councillor allowance is \$22,840.67 p.a. plus equivalent superannuation (allowed range \$9,788 to \$23,539 p.a.). These allowances are adjusted annually by the Minister for Local Government. The adjustment last year was 2.5%. The next adjustment is due on 1 December 2015.

Council Plan Strategy Addressed

Governance and Leadership - Community leadership through effective strategic planning.

Options

Nil

Recommendation

That Council note that Mayoral term will end on Friday 21 October 2016 due to Local Government Elections to be held on Saturday 22 October 2016.

38/15 Motion

MOVED Cr Adamson

That Council note that Mayoral term will end on Friday 21 October 2016 due to Local Government Elections to be held on Saturday 22 October 2016.

SECONDED Cr McPhee

The Motion was put and CARRIED

Councillor Michael Adamson then spoke on his term of office as Mayor, he spoke about the privilege of representing the Council and community at local, state, national and overseas functions. He was particularly thankful to represent the municipality in Yamagata, Japan and with Mayor of Villers Bretonneux, France.

Cr Adamson acknowledged the importance and value of community groups and emphasised the need for Council to listen to the groups and individuals within the community.

He was also thankful for the great projects currently underway including the Heartbeat of the Murray and Chisholm Reserve Drag Strip and emphasised the importance for Councillors and officers to look forward and make planning decisions at this time that focus on the community expectations for 100 years from now.

In his closing remarks he thanked Councillors and Council staff for the privilege of serving as the Mayor for the past 12 months.

B.15.80 ELECTION OF MAYOR 2015/16

Responsible Officer: Chief Executive Officer
File Number: 24-19-00
Attachments: Nil

Declarations of Interest:

David Lenton - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report outlines the process and statutory requirements for the election of Mayor. The election of the Mayor will take place as part of this report.

Election of Mayor

The Chief Executive Officer must conduct the election of the Mayor in accordance with the Local Government Act and Council's Local Law Number 1.

Discussion

Under section 71 of the Local Government Act 1989, the Councillors must elect a Councillor to be the Mayor of the Council.

Section 73 of the Local Government Act 1989 states that the Mayor of a Council takes precedence at all municipal proceedings within the municipal district and that the Mayor must take the chair at all meetings of the Council at which he or she is present.

The Mayor should lead the Council in relation to policy making and the setting of Council priorities.

The role of the Mayor is to:

- Chair Council meetings.
- Exercise the casting vote at Council meetings when required.
- Represent the municipality at ceremonial occasions and in political forums.
- Lead, coordinate and provide guidance for the Council and Councillors.
- Lead the Council in relation to policy making and the setting of Council priorities.
- Speak publicly about the Local Government's role and developments in the community.
- Oversee the performance of the Chief Executive Officer
- Liaise closely with the Chief Executive Officer to ensure effective relationships between Council and its administration in pursuing Council goals.

Prior to the election of the Mayor it is customary to allow the outgoing Mayor the opportunity to speak of their time in the role.

The process to Elect a Mayor will be:

1. The Acting CEO will call for nominations for the position of Mayor.
2. If only one nomination is received and the nominee is willing to serve as Mayor, the nominee will be declared elected.
3. If more than one nominee is received, each nominee will be allowed up to 5 minutes to speak on their own behalf. An election will then be held.
4. The election will be by show of hands. If there are two nominees the person with the most votes will be declared as Mayor. If there are more than two nominees the person with the least votes will be removed as a nominee and similar rounds of voting will occur until a Mayor is elected. Any tied votes will be determined by ballot.

Relevant Legislation

Local Law No 1 – Meeting Procedure
Local Government Act 1989

Council Plan Strategy Addressed

Governance and Leadership - Effective partnerships and relationships with key stakeholders.

Recommendations

That Council:-

1. **Elect a Mayor for 2015/16**
2. **Suspend Standing Orders to “robe” the Mayor once the election has been completed.**

Acting Chief Executive Officer, David Lenton called for nominations.

Cr Katis nominated Gary Norton for Mayor, which Cr Norton accepted the nomination.

Cr McPhee nominated himself for Mayor.

Acting Chief Executive Officer, David Lenton declared the two nominations and asked each Councillor to speak to their nomination for up to 5 minutes.

Cr Norton spoke first, "Well, I did write a long speech saying how good a Mayor I would make but I decided to shelve it, because that's not me.

Over the past few years I have stood for Mayor and in doing so I have done the rounds – lobbying checking numbers and in most cases I've had the numbers – that is until the last minute.

Then to my disappointment, I found a deal was done or an agreement made or someone had their nose out of joint because they didn't get their own way.

As you know I don't do deals or make agreements – I believe this only causes tension.

So this time there was no lobbying or doing the numbers.

And so I ask you – What do you want in a Mayor?

Do you want a Mayor who is open and transparent?

A Mayor who is committed to the Council and the Community.

A Mayor who has the time needed to for fill the duties as Mayor –

As you know I only work part time and possibly will be retired in the early New Year.

A Mayor who will work with all councillors and staff to rebuild relationships.

A Mayor that works through consultation not crucifixion.

A Mayor that has no conflicts of interest.

A Mayor who has and will do the hard yards travelling and representing Council when needed making sure our voice is heard.

I believe I can tick these boxes.

As I said, I don't know the numbers, but I ask –

Do you want a change of direction or will we travel down the same old path as we have for the past few years?

Cr McPhee spoke second, "As Councillors we all have varying views on many issues, which I consider leads to healthy debate and sound decision making. If elected as Mayor I would encourage all Councillors to discuss their respective views.

The Swan Hill Rural City Council has a very bright future, with a number of significant projects nearing completion such as the Heartbeat of the Murray Experience at the Pioneer Settlement and the state of the art Drag Strip at Chisholm Reserve.

As the Mayor I would ensure all Councillors work together as a team to provide strategic direction to the Chief Executive Officer and Directors to meet the needs of

our Municipality and ensure the successful completion of all project identified in our Council Plan.

One of the most important roles of a Mayor is to represent the municipality at ceremonial occasions and in political forums. Bearing this in mind I have been encouraged by the support within the community for me to be their representative as Mayor of Swan Hill Rural City Council and I seek my fellow Councillors support to be given the privilege to undertake the role of Mayor for the next 12 months.”

Acting Chief Executive Officer, David Lenton then called for a vote with a show of hands. The vote was Councillor Norton two votes and Councillor McPhee five votes. Acting Chief Executive Officer declared Cr McPhee elected as Mayor.

Acting Chief Executive Officer, David Lenton then asked Councillors to move that Standing Orders be suspended to “robe” the newly elected Mayor.

39/15 Motion

MOVED Cr Crowe

That Council Suspend Standing Orders to “robe” the Mayor.

SECONDED Cr Cruickshank

The Motion was put and CARRIED

40/15 Recommendation

MOVED Cr Katis

That Standing Orders be resumed.

SECONDED Cr Crowe

The Motion was put and CARRIED

B.15.81 ELECTION OF DEPUTY MAYOR 2015/2016

Responsible Officer: Acting Chief Executive Officer
File Number: 24-19-02
Attachments: Nil

Declarations of Interest:

David Lenton - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The Local Government Act 1989 does not require Council to have a Deputy Mayor, however Council has previously resolved to have a Deputy to support the Mayor and Council.

Discussion

At the 8 December 2008 Special Council Meeting, Council adopted a Deputy Mayor Position Policy (**POL/GOV006**) to support the position of Mayor and the operations of the Council.

Council resolved as follows:

That Council elect a Deputy Mayor to support the Mayoral role to facilitate the smooth and uninterrupted civic, statutory and policy-making functions of Council in the absence of the Mayor.

Swan Hill Rural City Council Local Law No 1 "Meeting Procedures Local Law", Part B stipulates that the procedure for the election of Deputy Mayor shall be the same as that for the Mayor.

Section 73 of the Act provides that:

- If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.
- An acting Mayor may perform any function or exercise any power conferred on the Mayor.

It would be appropriate for the Deputy Mayor to act as Acting Mayor for the purposes of Section 73, however Council may appoint any Councillor to be Acting Mayor.

The election of the Deputy Mayor will follow the same process as the election of the Mayor except that the Mayor will conduct the election.

Financial Implications

There is no provision in the Act for a separate allowance for Deputy Mayor.

Council Plan Strategy Addressed

Governance and Leadership - Community leadership through effective strategic planning.

Options

Council may or may not elect a Deputy Mayor.

Recommendation

That Council conduct the election of a Deputy Mayor.

Cr Norton nominated Cr John Katis as Deputy Mayor, Cr Katis accepted the nomination. As there were no further nominations to the position of Deputy Mayor Cr Katis was elected unopposed.

41/15 Motion

MOVED Cr Norton

That Council elect Cr Katis as Deputy Mayor.

SECONDED Cr Crowe

The Motion was put and CARRIED

B.15.82 COUNCIL MEETING LOCATIONS

Responsible Officer: Acting Chief Executive Officer
File Number: 22-13-00
Attachments: Nil

Declarations of Interest:

David Lenton - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

Each year Council determines, in advance, the locations and times for its Ordinary meetings.

Council meetings currently commence at 2pm usually on the third Tuesday of each month.

This report provides Council with the opportunity set meeting dates, times and locations.

Discussion

Last year Council held its meetings on the third Tuesday of the month, commencing at 2.00pm. One meeting was held in Robinvale and another in Piangil.

The following table includes meeting locations for 2014 and 2015, and proposed meeting locations and times for 2016:

Month	2014	2015	2016 3 rd Tuesday unless indicated.
January	No meeting	No meeting	No meeting
February	Swan Hill 7pm	Piangil 2pm	Swan Hill 2pm
March	Ultima 7pm	Swan Hill 2pm	Swan Hill 2pm
April	Swan Hill 7pm	Swan Hill 2pm	Swan Hill 2pm
May	Swan Hill 7pm	Swan Hill 2pm	Swan Hill 2pm

SECTION B - REPORTS

10 November 2015

June	Swan Hill 7pm	Swan Hill 2pm	Swan Hill 2pm (4 th Tuesday)
July	Swan Hill 7pm	Swan Hill 2pm	Swan Hill 2pm
August	Robinvale 7pm	Robinvale 2pm	Robinvale 2pm
September	Swan Hill 7pm	Swan Hill 2pm	Swan Hill 2pm
October	Swan Hill 7pm	Swan Hill 2pm	Swan Hill 2pm
November	Swan Hill 7pm	Swan Hill 2pm	Swan Hill 2pm
December	Swan Hill 7pm	Swan Hill 2pm	Swan Hill 2pm

Consultation

Not applicable.

Financial Implications

Costs associated with conducting Council meetings included in the budget each year.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

1. Continue meeting on the third Tuesday of the month or another day.
2. Continue commencing meetings at 2.00pm or at another time.
3. Meet in any location Council sees fit.

Recommendation

That Council determines that the Ordinary Meetings for 2016 will be held at the locations, dates and times specified in the table in this report.

42/15 Motion

MOVED Cr Adamson

That Council determines that the Ordinary Meetings for 2016 will be held at the locations, dates and times specified in the table in this report.

SECONDED Cr Cruickshank

The Motion was put and CARRIED

B.15.83 APPOINTMENT OF COUNCIL DELEGATES TO OUTSIDE ORGANISATIONS

Responsible Officer: Chief Executive Officer
File Number: 22-20-00
Attachments: 1 Council Representatives

Declarations of Interest:

David Lenton - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The purpose of the report is to consider the appointment of Councillors to outside organisations and community groups.

Discussion

Council makes appointments to various external organisations and community groups. This assists Council in working closely with its community and taking part in a wide range of activities associated with the development of the Municipality.

Consultation

Not applicable.

Financial Implications

Travel and accommodation costs will be incurred by Councillors, but these are budgeted for annually.

Appointments to external organisations will assist Council in achieving its economic, social and environmental objectives.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Governance and Leadership - Effective partnerships and relationships with key stakeholders.

Options

Some of the appointments are mandatory (eg Audit Committee) and others are optional.

Recommendation

That Council appoint Councillors to external organisations as shown in Attachment 1 to this report.

43/15 Motion

MOVED Cr Norton

That Council appoint Councillors to external organisations as shown in Attachment 1 to this report.

SECONDED Cr Katis

The Motion was put and CARRIED

COUNCIL DELEGATES

Organisation	Councillor Representative	Councillor / Officer December 2014/15	Councillor / Officer December 2015/16
Asset Naming Sub-Committee (of Council)	Mayor or Deputy Mayor 1 Councillor as member	Deputy Mayor Cr Adamson	Cr Katis Cr Adamson
Audit Committee	2 Councillors as members	Cr Adamson Cr Crowe	Cr Adamson Cr Crowe
Chief Executive Officer Performance Review Committee	Mayor, Immediate Past Mayor and Councillor	Cr Adamson, Cr McPhee and Cr Cruickshank	Mayor, and Immediate Past Mayor and and Cr Cruickshank
Swan Hill Regional Livestock Exchange	Councillor Officer	Cr McPhee	Cr McPhee
Swan Hill Indoor Sport & Recreation Centre Committee of Management	Ward Councillors as observers	Cr Kiley	Cr Kiley
Swan Hill Leisure Centre Committee of Management	Councillor as Delegate Councillor as Sub-Delegate	Cr Adamson Cr Kiley Sub-Delegate	Cr Adamson Cr Kiley Sub-Delegate
Swan Hill Regional Art Gallery Advisory Committee	Councillor as member	Cr Kiley	Cr McPhee
Alan Garden Reserve, Committee of Management	Councillor as a member	Cr Kiley	Cr Crowe
Loddon Mallee Waste and Resource Recovery Board	Councillor as Director on Group Board	Cr Cruickshank	Cr Cruickshank
Municipal Association of Victoria	Councillor as Delegate Councillor as Sub-Delegate	Cr Norton	Cr Norton

Organisation	Councillor Representative	Councillor / Officer December 2014/15	Councillor / Officer December 2015/16
Municipal Emergency Management Planning Committee	Councillor as Chair	Cr Crowe Cr Katis Sub-Delegate	Cr McPhee Cr Katis Sub-Delegate
Murray Darling Association	Councillor as member	Cr Norton	Cr Crowe
Murray Mallee Local Learning & Employment Network (MLLEN)	Councillor/Officer as member	Cr Cruickshank	Cr Cruickshank
Murray River Group of Councils	Mayor and CEO	Mayor CEO	Mayor CEO
North West Municipalities Association	Mayor and CEO or Councillors	Cr Norton as Delegate Cr Adamson as Sub-Delegate	Cr Norton as Delegate Cr Adamson as Sub-Delegate
Swan Hill Community House	Councillor as member	Cr McPhee	Cr McPhee
Swan Hill Inc.	Councillor/Officer as board member	Cr Kiley	Cr Kiley
Grampians Wimmera Mallee Water	Cr Norton	Cr Norton	Cr Norton

Committee	Councillor 2014/15	Councillor 2015/16
Robinvale Aboriginal Elders Committee	Cr Katis	Cr Katis
Robinvale Euston Business Association	Cr Katis	Cr Katis
Lake Boga Inc	Cr McPhee	Cr McPhee
Manangatang Improvement Group	Cr Norton	Cr Norton
Nyah Action Group	Cr Norton	Cr Norton
Ultima Progress Association	Cr McPhee	Cr McPhee
Bigger Better Beverford Group	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley
Woorinen Progress Association	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley
Piangil Community Group	Cr Norton	Cr Norton
Boundary Bend Progress Association	Cr Norton	Cr Norton
Swan Hill Rural City Residents & Ratepayers Association	Any Councillor can attend	Any Councillor can attend
Rail Freight Alliance	Cr Cruickshank Cr Adamson	Cr Cruickshank Cr Adamson
Central Murray Regional Transport Forum	Cr Cruickshank Cr Adamson	Cr Cruickshank Cr Adamson
Tree Committee	Cr Katis Cr Kiley	Cr Katis Cr Kiley
Chisholm Reserve Motor Sports Development Group	Cr Cruickshank Cr Crowe Cr Adamson	Cr Cruickshank Cr Crowe Cr Adamson
Community Grants	Cr Crowe	Cr Crowe
Rural Councils Victoria	Cr Norton	Cr Norton

B.15.84 ACTING CHIEF EXECUTIVE OFFICER

Responsible Officer: Acting Chief Executive Officer
File Number: 00-00-00
Attachments: Nil

Declarations of Interest: Officer
David Lenton- as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

Council's current Acting Chief Executive Officer (CEO) was appointed on a short term basis while another Acting CEO was recruited. Council is now in a position to appoint another Acting CEO.

Discussion

Council's current Acting CEO was appointed for a short term in order to give time to recruit an Acting CEO for a longer period, until a new CEO is appointed. The recruitment of a new CEO is expected to take between three and six months.

Council contacted several recruiting firms and reviewed a number of candidates for the Acting CEO role. Following that process Mr Ian Couper was nominated as the preferred candidate. Mr Couper was offered and accepted the position subject to a formal resolution of Council to appoint him to the position.

Mr Couper is a very experienced Local Government senior executive who has previously filled other temporary positions with Swan Hill Rural City Council including Acting Director Infrastructure and Acting CEO.

Mr Couper has a good knowledge of our region, municipality and organisation and is very well placed to fill the Acting CEO role.

Mr Couper can commence duties on Thursday 12 November 2015.

Consultation

Not appropriate for this item.

Financial Implications

The 2015/16 Budget allows for the salary of the CEO. Any variation in the amounts paid to the Acting CEO or new CEO will be managed within the overall 2015/16 Budget.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

Council can choose to appoint Mr Couper or select another candidate.

Recommendations

That Council appoint Mr Ian Couper as Acting Chief Executive Officer commencing on Thursday 12 November 2015.

44/15 Motion

MOVED Cr Norton

That Council appoint Mr Ian Couper as Acting Chief Executive Officer commencing on Thursday 12 November 2015.

SECONDED Cr Crowe

The Motion was put and CARRIED

The Mayor Les McPhee thanked David Lenton for his work as the interim Acting Chief Executive Officer.

There being no further business the meeting was closed at 4.22pm