



AGENDA

SPECIAL MEETING OF COUNCIL

Tuesday, 13 November 2018

To be held
Swan Hill Town Hall Council Chambers,
53-57 McCallum Street, Swan Hill
Commencing at 4:45 PM

COUNCIL:

Cr LT McPhee
Cr JN Katis
Cr GW Norton
Cr C Jeffery
Cr L Johnson
Cr B Moar
Cr A Young

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SECTION A – PROCEDURAL MATTERS

- **Open**

- **Acknowledgement to Country**

- **Prayer**

- **Apologies**

- **2017/18 Mayoral report**

SECTION B – REPORTS

B.18.63 MAYORAL TERM OF OFFICE

Responsible Officer: Chief Executive Officer
File Number: S16-04-04
Attachments: Nil.

Declarations of Interest:

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

Summary

Council need to determine whether the Mayoral term is for one year or two years.

Discussion

In accordance with Local Government Act 1989 Section 71, Council must:

1. At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
2. Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.
3. The Mayor is to be elected –
 - a. After the fourth Saturday in October but not later than 30 November in each year; or
 - b. If under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or
 - c. As soon as possible after any vacancy in the office of the Mayor occurs.

Financial Implications

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

Currently the Mayoral allowance is \$64,939.33 p.a. plus equivalent superannuation (allowed range up to \$78,051 p.a.). The Councillor allowance is \$24,447.13 p.a. plus equivalent superannuation (allowed range \$10,490 to \$25,225 p.a.). These

allowances are adjusted annually by the Minister for Local Government. The Minister has announced the allowance will increase by 2% from 1 December 2018.

Council Plan Strategy Addressed

Effective and efficient utilisation of resources. - Community leadership through effective strategic planning.

Options

Council may elect the Mayor for either a one year or two year term.

Recommendation

That Council elect a Mayor for a term of one year.

B.18.64 ELECTION OF MAYOR 2018/19

Responsible Officer: Chief Executive Officer
File Number: S16-04-04
Attachments: Nil.

Declarations of Interest:

John McLinden - 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 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 nomination 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

Effective partnerships and relationships with key stakeholders and staff. -
Effective partnerships and relationships with key stakeholders.

Recommendation

That Council elect a Mayor for 2018/19

B.18.65 ELECTION OF DEPUTY MAYOR 2018/2019

Responsible Officer: Chief Executive Officer
File Number: S16-04-04
Attachments: Nil.

Declarations of Interest:

John McLinden - 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

Council adopted a Deputy Mayor Position Policy (**POL/GOV006**) to support the position of Mayor and the operations of the Council in September 1999. This policy was last reviewed in May 2015.

The position of Deputy Mayor is necessary 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

Effective advocacy and strategic planning. - Community leadership through effective strategic planning.

Options

Council may or may not elect a Deputy Mayor.

Recommendation

That Council conduct the election of Deputy Mayor.

B.18.66 COUNCIL MEETING LOCATIONS

Responsible Officer: Chief Executive Officer
File Number: S16-05-01
Attachments: Nil.

Declarations of Interest:

John McLinden - 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 either 4pm or 6pm usually on the third Tuesday of each month.

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

Discussion

Last year Council held its meetings on the third Tuesday of the month (unless otherwise indicated on the table below), commencing at either 4pm or 6pm. One meeting was held in Robinvale.

The following table includes meeting locations for 2017 and 2018, and proposed meeting locations and times for 2019:

Council welcomes community participation in local democracy and shall encourage the community to attend Council meetings. Trying alternative meeting times is one way of encouraging community participation.

Month	2017	2018	2019 3 rd Tuesday unless indicated.
January	No Meeting	No Meeting	No Meeting
February	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
March	Swan Hill 6pm	Swan Hill 6pm	Swan Hill 6pm

REPORTS

13 November 2018

April	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
May	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
June	Swan Hill 6pm (4 th Tuesday)	Swan Hill 6pm (4 th Tuesday) Due to NGA	Swan Hill 6pm (4 th Tuesday) Due to NGA
July	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
August	Robinvale 4pm	Swan Hill 4pm	Swan Hill 4pm
September	Swan Hill 4pm	Robinvale 4pm Robinvale Swapped due to Fairfax in Swan Hill	Robinvale 4pm Robinvale Swapped due to Fairfax in Swan Hill
October	Swan Hill 6pm	Swan Hill 4pm	Swan Hill 6pm
November	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
December	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm

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 4.00pm or 6.00pm or at another time.
3. Meet in any location Council sees fit.

Recommendation

That Council determines that the Ordinary Meetings for 2019 will be held at the locations, dates and times specified in the table in this report.

B.18.67 APPOINTMENT OF TWO COUNCILLORS TO AUDIT COMMITTEE

Responsible Officer: Director Corporate Services
File Number: 42-02-03
Attachments: Nil.

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

Summary

This purpose of this report is to seek Councils permission to extend the appointment date of the two current Councillors on the Audit Committee.

Discussion

Council has two Councillors appointed to the Audit Committee for a two year term.

This term expires on 15 November 2018 and as the appointments of new committee members will not be made until the Ordinary Meeting of Council on 18 December 2018 this would mean that they are unable to sit on the committee at the Audit Committee meeting scheduled for 13 December 2018.

The appointment of a Councillor to Audit Committee is mandatory.

Consultation

Not applicable.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

If the extension is not granted the Audit Committee may not have a quorum.

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

Nil

Recommendation

That Council extend the appointment date of Councillor Ann Young and Councillors Lea Johnson until 18th December 2018.