



MINUTES

UNSCHEDULED STATUTORY MEETING OF COUNCIL

Tuesday, 17 November 2020

Held at the Swan Hill Town Hall
McCallum Street, Swan Hill
Commenced at 1.08pm

COUNCIL:

– Mayor

Cr B Moar
Cr A Young
Cr LT McPhee
Cr J Benham
Cr C Jeffery
Cr S King
Cr N McKay

Confirmed 15 December 2020

Chairperson.....

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SECTION A – PROCEDURAL MATTERS

- **Swearing in of Councillors**

Immediately prior to this meeting all Councillors were sworn in, and made the Oath or Affirmation of Office

- **Oath of Office and Declaration**

Councillors elect recited the Oath of Office in the presence of the Chief Executive Officer, John McLinden. Councillors then signed the Oath of office and it was witnessed by the Chief Executive Officer.

The following Councillors elect took the Oath of Office:

- Chris Jeffery
- Ann Young
- Bill Moar
- Nicole McKay
- Stuart King
- Les McPhee
- Jade Benham

The signed Oaths of Office follow:



Swan Hill Rural City Council

Oath of Office

Christopher Roy Johann Jeffery

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

17/11/2020

Signed
Christopher Roy Johann Jeffery

17/11/2020

Witness
John McLinden, Chief Executive Officer
Swan Hill Rural City Council



Swan Hill Rural City Council

Oath of Office

Ann Maree Young

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

Ann Maree Young _____ 17/11/2020

Signed
Ann Maree Young

John McLinden _____ 17/11/2020

Witness
John McLinden, Chief Executive Officer
Swan Hill Rural City Council



Swan Hill Rural City Council

Oath of Office

William Laurence Moar

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

17/11/2020

Signed
William Laurence Moar

17/11/2020

Witness
John McLinden, Chief Executive Officer
Swan Hill Rural City Council



Swan Hill Rural City Council

Oath of Office

Nicole McKay

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

17/11/2020

Signed
Nicole McKay

17/11/2020

Witness
John McLinden, Chief Executive Officer
Swan Hill Rural City Council



Swan Hill Rural City Council

Oath of Office

Stuart William King

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

17/11/2020

Signed
Stuart William King

17/11/2020

Witness
John McLinden, Chief Executive Officer
Swan Hill Rural City Council



Swan Hill Rural City Council

Oath of Office

Leslie Thomas McPhee

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

17/11/2020

Signed
Leslie Thomas McPhee

17/11/2020

Witness
John McLinden, Chief Executive Officer
Swan Hill Rural City Council



Swan Hill Rural City Council

Oath of Office

Patricia Jade Benham

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

17/11/2020

Signed
Patricia Jade Benham

17/11/2020

Witness
John McLinden, Chief Executive Officer
Swan Hill Rural City Council

- **Welcome**

The Chief Executive Officer, John McLinden assumed the chair and declared the meeting open at 1.08pm.

- **Acknowledgement of Country**

The Chief Executive Officer, John McLinden read the Acknowledgement of Country.

- **Prayer**

Cr Stuart King read the prayer.

- **Apologies/Leaves of Absence**

Nil

Recommendations

That the apologies be accepted.

- **Directors/Officers Present**

John McLinden, Chief Executive Officer
Bruce Myers, Director Community and Cultural Services
Heather Green, Director Development and Planning
Svetla Petkova, Director Infrastructure
Joel Lieschke, Director Corporate Services
Helen Morris, Organisational Development Manager
Claire Cooper, Media
Sharon Lindsay, Executive Assistant

SECTION B – REPORTS

B.20.83 MAYORAL TERM OF OFFICE

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

Declarations of Interest:

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

Summary

Council must determine if the Mayoral term is for one year or two years.

Discussion

In accordance with Local Government Act 2020 Section 25 and 26:

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 1 year or 2 year term.
3. The Mayor is to be elected –
 - a. No later than one month after the date of a general election.
 - b. If the Mayor is elected for a 1 year or two year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year or two year term as is reasonably practicable.
 - c. A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs

Financial Implications

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

Currently the Mayoral allowance is \$67,562.88 p.a. plus equivalent superannuation (allowed range up to \$81,204 p.a.). The Councillor allowance is \$25,466.01 p.a. plus equivalent superannuation (allowed range up to \$26,245 p.a.). These

allowances are adjusted annually by the Minister for Local Government. The adjustment last year was 2.0%. The next adjustment is due on 1 December 2020.

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.

90/20 Motion

MOVED Cr Benham

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

SECONDED Cr Moar

The Motion was put and CARRIED

B.20.84 ELECTION OF MAYOR 2020/21

Responsible Officer: Chief Executive Officer
File Number: 24-19-00
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 Governance Rules 2020.

Discussion

Under section 25 of the Local Government Act 2020, the Councillors must elect a Councillor to be the Mayor of the Council.

Section 18 of the Local Government Act 2020 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; and
- Be the principal spokesperson for the Council; and
- Lead engagement with the municipal community on the development of the Council Plan; and
- Report to the municipal community, at least once a year, on the implementation of the Council Plan; and
- Promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- Assist Councillors to understand their role; and
- Take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and

- Provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- Perform civic and ceremonial duties on behalf of Council.

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 conducted by the CEO in accordance with the Local Government Act 2020 and the Swan Hill Rural City Council's Governance Rules 2020.

Relevant Legislation

Governance Rules 2020

Local Government Act 2020

Council Plan Strategy Addressed

Positive community engagement through appropriate and constructive consultation. - Effective partnerships and relationships with key stakeholders.

The Chief Executive Officer, John McLinden called for nominations for the role of Mayor.

Cr Ann Young nominated Cr Bill Moar. Cr Bill Moar accepted the nomination. There being no other nominations Cr Bill Moar was elected Mayor.

Recommendations

That Council, following the election of the Mayor, suspend standing orders to robe the Mayor.

91/20 Motion

MOVED Cr Jeffery

That Council, suspend standing orders to robe the Mayor at 1.14pm.

SECONDED Cr Benham

The Motion was put and CARRIED

The Mayor, Cr Bill Moar assumed the Chair at 1.18pm.

92/20 Motion

MOVED Cr Jeffery

That standing orders be resumed at 1.18pm.

SECONDED Cr McPhee

The Motion was put and CARRIED

B.20.85 ELECTION OF DEPUTY MAYOR 2020/2021

Responsible Officer: Chief Executive Officer
File Number: 24-19-02
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 2020 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 "Governance Rules 2020", Section 5.2 stipulates that the procedure for the election of Deputy Mayor shall be the same as that for the Mayor.

Division 3 20B of the Local Government 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 Division 3 20A, 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 the Mayor conduct the election of Deputy Mayor.

93/20 Motion

MOVED Cr Jeffery

That the Mayor conduct the election of Deputy Mayor.

SECONDED Cr McKay

The Motion was put and CARRIED

Cr Jeffery nominated Cr Benham. Cr Benham accepted the nomination. There being no further nominations Cr Jade Benham was elected Deputy Mayor.

B.20.86 COUNCIL SCHEDULED MEETING DATES, TIMES AND 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 Scheduled meetings.

Council meetings currently commence at 2pm 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 ordinary meetings on the third Tuesday of the month (unless otherwise indicated on the table below), commencing at 2pm.

The following table includes meeting locations for 2019 and 2020, and proposed meeting locations and times for 2021:

Council welcomes community participation in local democracy and shall encourage the community to attend Council meetings. Council will respond to the COVID-19 restrictions and will open meetings to the public as soon as restrictions allow.

Month	2019 3 rd Tuesday unless indicated.	2020 3 rd Tuesday unless indicated.	2021 3 rd Tuesday unless indicated.
January	No Meeting	No Meeting	No Meeting
February	Swan Hill 4pm	Swan Hill 2pm	Swan Hill 2pm
March	Swan Hill 6pm	Swan Hill 2pm	Swan Hill 2pm

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April	Swan Hill 4pm	Swan Hill 2pm	Swan Hill 2pm
May	Swan Hill 4pm	Swan Hill 2pm	Swan Hill 2pm
June	Swan Hill 6pm (4 th Tuesday) Due to NGA	Swan Hill 2pm (4 th Tuesday) Due to NGA	Swan Hill 2pm
July	Swan Hill 4pm	Swan Hill 2pm	Swan Hill 2pm
August	Robinvale 4pm	Swan Hill 2pm	Swan Hill 2pm
September	Swan Hill 4pm	Swan Hill 2pm	Swan Hill 2pm
October	Swan Hill 6pm	Swan Hill 2pm	Swan Hill 2pm
November	Swan Hill 4pm	Swan Hill 2pm	Swan Hill 2pm
December	Swan Hill 4pm	Swan Hill 2pm	Swan Hill 2pm

In previous years, Council has held the June Meeting on the 4 Tuesday to avoid a clash of dates with the National General Assembly (NGA).it is unclear at this time if COVID-19 restrictions will allow a NGA and so it is proposed to hold the June meeting in line with other months, ie 3rd Tuesday. This can be altered if the NGA proceeds.

The requirement for Council to livestream Council Meetings is a positive step. The practice has increased the communities' visibility of Councils democratic processes. The technology necessary for livestreaming is not easily portable and so it will be necessary for Council Meetings to be conducted in the Swan Hill Town Hall for the foreseeable future.

Council will, as part of its community engagement strategy create other opportunities to visit and engage with our various communities outside of the normal Council Meeting cycle.

Consultation

Not applicable.

Financial Implications

Costs associated with conducting Council meetings are 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.

Recommendation

That Council determines that the Scheduled Meetings for 2021 will be held at the locations, dates and times specified in the table in this report.

94/20 Motion

MOVED Cr Benham

That Council determines that the Scheduled Meetings for 2021 will be held at the locations, dates and times specified in the table in this report.

SECONDED Cr Jeffery

The Motion was put and CARRIED

B.20.87 SETTING OF COUNCILLOR ALLOWANCES

Responsible Officer: Chief Executive Officer
File Number: 24-08-00
Attachments: Nil.

Declarations of Interest:

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

Summary

The Council allowance package is based on a three-category model of Council allowances, based on revenue and population figures and ensures Councils can retain flexibility and discretion to set allowances within a range in consultation with their community.

Discussion

Current annual allowances set for this Council are a Mayoral allowance of \$67,562.99 and a Councillor allowance of \$25,466.01, per annum.

The current allowance range applicable to this Council is:

Category 2 – Councillors from \$10,914 to \$26,245 and up to \$81,204 for the Mayor, per annum.

Additionally a remote travel allowance will continue to provide compensation for the time spent on long distance travelled by Councillors in remote areas, this allowance provides for a maximum limit of \$5,000 per annum (at daily rate of \$40 in respect to each meeting or function) or as may be amended from time to time by Order in Council.

Superannuation at 9.5% is paid in addition to the allowance.

Councillors are not employees of their Council and do not receive employment benefits such as leave entitlements.

Additional support is provided to Councillors in accordance with the Act and Council Policy. These include;

Resources/facilities mandatory

- Administration support
- Office access for the Mayor and Councillors
- Vehicle for the Mayor
- Computer-desktop and iPad or a laptop
- Printer

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- Mobile phone and landline if determined
- Stationery
- Access to a copier

Reimbursement will be provided for Council related:

- Travel - including reimbursement of public transport costs
- Phone call costs
- Internet
- Child care/family care

The legislative requirements around Councillor Allowances are currently in transition between the 1989 and the 2020 Local Government Act.

Council will be required to undertake a review of the allowances paid before the 30 June 2021. The Minister will also be requiring the Victorian Independent Remuneration Tribunal to provide a determination on the range of allowances being able to be paid.

This determination can also trigger a review of Councillor Allowances.

The existing allowances will be paid until the review is completed. Any review of Councillor Allowances will involve a community consultation process.

Consultation

As part of the Local Government (Councillor Remuneration Review) Panel Report extensive consultation and discussion was held between Local Government professional bodies, Councils, Councillors and the wider public.

Financial Implications

Costs associated with Councillor Allowances are 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

The Office of Local Government has advised that Councillors are unable to change any aspect of their allowances during their term. The indexation set by the Minister for Local Government automatically applies to the allowances each year.

Recommendations

That Council note the contents of this report.

95/20 Motion

MOVED Cr Young

That Council note the contents of this report.

SECONDED Cr McKay

The Motion was put and CARRIED

There being no further business the Mayor, Councillor Moar closed the meeting at 1.24pm.