

MITCHELL SHIRE COUNCIL



STATUTORY COUNCIL MEETING

AGENDA

MONDAY 16 NOVEMBER 2020
7.00pm

NOTICE IS HEREBY GIVEN that **Special Council Meeting** of the Mitchell Shire Council will be held at **Mitchell Civic Centre, 113 High Street Broadford**, on **Monday 16 November 2020** commencing at **7.00pm**.

BRETT LUXFORD
CHIEF EXECUTIVE OFFICER

By attending this meeting, you agree to be filmed. An audio and digital recording is made of all public Council and Committee Meetings, streamed live and published on Council's website. By participating in proceedings including during question time or in making a submission regarding an item before Council you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication. Meeting recordings can be located at www.mitchellshire.vic.gov.au.

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1 WELCOME AND GOVERNANCE DECLARATION

The Chief Executive Officer formally opens the meeting with an acknowledgement of country and welcomes all present.

2 APOLOGIES AND LEAVE OF ABSENCE

3 DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with section 130(2)(a) of the Local Government Act 2020.

4 GOVERNANCE AND CORPORATE PERFORMANCE

4.1 OATH OR AFFIRMATION OF OFFICE

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: CL/04/001-03

Attachments: Nil

EXECUTIVE SUMMARY

- 1.1 Before being capable of acting as a Councillor, all persons elected to be Councillors must in accordance with Section 30 of the *Local Government Act 2020* take the oath or affirmation of office in the manner prescribed by the regulations.
- 1.2 The Oath or Affirmation of Office is as follows:

"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".
- 1.3 Until this requirement has been completed an elected person cannot act as a Councillor.
- 1.4 The Oath of Office must be made before the Chief Executive Officer, dated and signed before the Chief Executive Officer and recorded in the minutes of the Council.
- 1.5 Mitchell Shire Council's current Councillor Code of Conduct was adopted in February 2017. A revised Code will be presented to Council in February 2021 for adoption.

RECOMMENDATION

THAT Council note the taking of the Oath or Affirmation of Office for each Councillor.

4.2 TERM OF OFFICE OF THE MAYOR

Author: *Lidia Harding - Manager Governance & Corporate Accountability*

File No: *CL/04/001-03*

Attachments: *Nil*

EXECUTIVE SUMMARY

- 1.1 Section 26(4) of the *Local Government Act 2020* requires that Council must elect a Councillor to be the Mayor of the Council.
- 1.2 The Act also provides that before a Mayor is elected, the Council may resolve to elect a Mayor for a term of one or two years.
- 1.3 Mitchell Shire Council has traditionally opted to elect a Mayor for a term of one year.

RECOMMENDATION

THAT Council resolve to elect a Mayor for a term of one year.

4.3 ELECTION OF THE MAYOR

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: CL/04/001-03

Attachments: Nil

EXECUTIVE SUMMARY

- 1.1 Section 25 of the *Local Government Act 2020* requires that Council elect a Councillor to be the Mayor of the Council. The Mayor is to be elected no later than one month after the date of the general election.
- 1.2 If the Mayor is elected for a 1-year term, the next election of the Mayor must be held in a day to be determined by the Council that is as close to the end of the 1-year term as is reasonably practicable.
- 1.3 Any Councillor is eligible for election to the office of Mayor.
- 1.4 The role of the Mayor is to -
 - a) 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
 - b) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
 - c) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
 - d) assist Councillors to understand their role; and
 - e) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
 - f) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
 - g) perform civic and ceremonial duties on behalf of the Council.
- 1.5 The *Local Government Act 2020* requires that voting at a meeting of Council open to the public must not be in secret. Voting for the election of Mayor will therefore be by a show of hands.

Election Process:

The election procedure of the office of Mayor will be governed by the Mitchell Shire Governance Rules.

The Chief Executive Officer will invite nominations for the office of Mayor. Any nomination must be seconded. If there is only one nomination, the candidate is deemed to be elected.

ELECTION OF THE MAYOR (CONT.)

If there is more than one nomination, an election will be conducted by the Chief Executive Officer in accordance with the Governance Rules.

Mayoral Address:

The Chief Executive Officer will invite the elected Mayor to take the chair and address the Council.

RECOMMENDATION

THAT Cr be appointed as Mayor for the 2020-2021 year.

4.4 ELECTION OF DEPUTY MAYOR

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: CL/04/001-03

Attachments: Nil

1. EXECUTIVE SUMMARY

- 1.1 Section 20A of the *Local Government Act 2020* requires that Council establish an office of Deputy Mayor.
- 1.2 The election procedure of the office of Deputy Mayor will be governed by the Mitchell Shire Governance Rules. The office of Deputy Mayor is an honorary role which attracts no additional allowance.
- 1.3 Any Councillor is eligible for election to the office of Deputy Mayor.
- 1.4 The *Local Government Act 2020* requires that voting at a meeting of Council open to the public must not be in secret. Voting for the election of Deputy Mayor will therefore be by a show of hands.

2. Election Process:

- 2.1 The Chairperson (Mayor) will invite nominations for the office of Deputy Mayor.
- 2.2 Any nomination must be seconded. If there is only one nomination, the candidate is deemed to be elected.
- 2.3 If there is more than one nomination, an election will be conducted by the Chairperson (Mayor) with assistance from the Chief Executive Officer in accordance with the Governance Rules.

3. Deputy Mayor Address:

- 3.1 The Chairperson (Mayor) will invite the elected Deputy Mayor to address the Council.

RECOMMENDATION

THAT Cr be appointed as Deputy Mayor for the 2020-2021 year.

4.5 APPOINTMENT OF ACTING MAYOR

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: CL/04/001-03

Attachments: Nil

EXECUTIVE SUMMARY

- 1.1 Section 20B of the *Local Government Act 2020* provides that Council may appoint a Councillor to be the Acting Mayor when the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or perform the duties of the office of Mayor for any reason including illness. or if the office of the Mayor is vacant.
- 1.2 It is therefore recommended that the elected Deputy Mayor be appointed to be Acting Mayor for the purposes of section 20B of the Act. This will eliminate the need for a specific Council resolution if the Mayor is absent at any time during his or her term of office.

RECOMMENDATION

THAT Cr, Deputy Mayor be appointed as Acting Mayor for the purposes of section 20B of the *Local Government Act 2020*.

4.6 2021 COUNCIL AND COMMUNITY QUESTIONS AND HEARINGS COMMITTEE MEETING SCHEDULE

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: CL/04/001-03

Attachments: Nil

EXECUTIVE SUMMARY

- 1.1 Council meetings are conducted in accordance with section 61 of the *Local Government Act 2020* and Mitchell Shire Council's Governance Rules.
- 1.2 All Council meetings are open to the public except when Council considering matters as designated as confidential. The council meeting below seeks adoption from Council for the meeting schedule for the period February 2021 to December 2021.
- 1.3 There are no scheduled meetings for January 2021.
- 1.4 Community Questions and Hearings Committee meetings are scheduled for the 2nd Monday of the month and Council meetings the 3rd Monday of the month (amended to accommodate public holidays). All meetings commence at 7.00pm and are held in the Council Chamber, 113 High Street, Broadford or online as required.
- 1.5 All meetings will be livestreamed.

RECOMMENDATION

THAT Council adopt the schedule of Community Questions and Hearings Committee and Council meetings for the period February 2021 through to December 2021.

2. MEETING SCHEDULE

FEBRUARY 2021

DATE	MEETING TYPE	TIME
Monday 1 February	Council meeting	7pm
Monday 8 February	Community Questions and Hearings Committee	7pm
Monday 15 February	Council meeting	7pm

MARCH 2021

DATE	MEETING TYPE	TIME
**Tuesday 9 March	Community Questions and Hearings Committee	7pm
Monday 15 March	Council meeting	7pm

2021 COUNCIL AND COMMUNITY QUESTIONS AND HEARINGS COMMITTEE MEETING SCHEDULE
(CONT.)

**Meeting rescheduled to avoid public holiday

APRIL 2021

DATE	MEETING TYPE	TIME
Monday 12 April	Community Questions and Hearings Committee	7pm
Monday 19 April	Council meeting	7pm

MAY 2021

DATE	MEETING TYPE	TIME
Monday 3 May	Special Community Questions and Hearings Committee (<i>Budget Submission</i>)	7pm
Monday 10 May	Community Questions and Hearings Committee	7pm
Monday 17 May	Council meeting	7pm

JUNE 2021

DATE	MEETING TYPE	TIME
**Tuesday 15 June	Community Questions and Hearings Committee	7pm
***Monday 28 June	Council meeting	7pm

**Meeting rescheduled to avoid public holiday

*** 4th Monday of the month for attendance at National General Assembly in Canberra

JULY 2021

DATE	MEETING TYPE	TIME
Monday 12 July	Community Questions and Hearings Committee	7pm
Monday 19 July	Council meeting	7pm

AUGUST 2021

DATE	MEETING TYPE	TIME
Monday 9 August	Community Questions and Hearings Committee	7pm
Monday 16 August	Council meeting	7pm

SEPTEMBER 2021

DATE	MEETING TYPE	TIME
Monday 13 September	Community Questions and Hearings Committee	7pm
Monday 20 September	Council meeting	7pm

2021 COUNCIL AND COMMUNITY QUESTIONS AND HEARINGS COMMITTEE MEETING SCHEDULE
(CONT.)

OCTOBER 2021

DATE	MEETING TYPE	TIME
Monday 11 October	Community Questions and Hearings Committee	7pm
Monday 18 October	Council meeting	7pm

NOVEMBER 2021

DATE	MEETING TYPE	TIME
Monday 8 November	Community Questions and Hearings Committee	7pm
Monday 15 November	Council (Statutory) meeting	7pm
Monday 22 November	Council meeting	7pm

DECEMBER 2021

DATE	MEETING TYPE	TIME
Monday 6 December*	Community Questions and Hearings Committee	7pm
Monday 13 December*	Council meeting	7pm

*(week earlier to avoid Christmas period)

4.7 APPOINTMENT OF REPRESENTATIVES TO COMMITTEES AND ORGANISATIONS FOR 2020-2021

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: CL/04/001-03

Attachments: Nil

EXECUTIVE SUMMARY

1.1 Appointments are to be made to the following Committees and Organisations for the 2020-2021 Council year.

RECOMMENDATION

THAT the Councillor and Council Officer nominations as outlined below for Regional, State-Wide and Local Organisations, Incorporated Associations and Council and Advisory Committees be appointed as Council representatives to the relevant Committees and Organisations for the 2020-2021 Council year.

2. PROPOSED APPOINTMENTS

APPOINTMENT OF REPRESENTATIVES TO COMMITTEES AND ORGANISATIONS FOR THE 2020-2021 COUNCIL YEAR

REGIONAL, STATE-WIDE AND LOCAL ORGANISATIONS

Organisation	Representation	2020 Nominations	Proposed 2021 Nominations
Municipal Association of Victoria	Two Councillors	Mayor Deputy Mayor	
Victorian Local Governance Association	One Councillor	Cr Lowe	
Rural Council Victoria	One Councillor	Mayor	
Melbourne Northern Metropolitan Forum	One Councillor	Mayor	
Northern Councils Alliance	One Councillor CEO	Mayor CEO	
Interface Council Group	One Councillor CEO	Mayor CEO	
Hume Region Local Government Network (HRLGN)	Mayor CEO	Mayor CEO	

Goulburn Valley Waste and Resource Recovery Group (GVWRRG)	One Councillor	Cr Stevens	
Goulburn Valley Waste and Resource Recovery Group Board	One Councillor	Cr Lowe	
Roadsafe Goulburn Valley	One Councillor Director Development and Infrastructure or delegate	Cr Stevens Director Development and Infrastructure or delegate	
Goulburn Broken Greenhouse Alliance	One Councillor	Cr Atkinson	
Municipal Emergency Management Planning Committee	One Councillor	Cr Chisholm	
Municipal Fire Management Planning Committee	One Councillor	Cr Goble Cr Chisholm	
Australian Local Government Women's Association – Victorian Branch	One Councillor	Cr Sanderson	
Merri Creek Management Committee Inc.	One Councillor	Cr Eldridge	
Mitchell Honbetsu Sister City Association Inc	One Councillor	Cr Goble	
Mitchell Shire Pest Plant and Animal Workforce	One Councillor	Cr Chisholm	

INCORPORATED ASSOCIATIONS**North Ward**

Organisation	Representation	2020 Nominations	Proposed 2021 Nominations
Australian Light Horse Memorial Park	One Councillor	Cr Sanderson	
Broadford Living & Learning Centre	One Councillor	Cr Goble	
Harley Hammond Reserve Association Inc.	One Councillor	Cr Atkinson	
Kings Park Recreation Reserve Committee	One Councillor	Cr Sanderson	
Pyalong Recreation Reserve Committee	One Councillor	Cr Chisholm	

Seymour Bushland Park Committee	One Councillor	Cr Sanderson	
Seymour Old Courthouse Committee	One Councillor	Cr Stevens	
Seymour Tennis Complex Committee	One Councillor	Cr Stevens	
Tallarook Mechanics Institute Committee	One Councillor	Cr Chisholm	
Tallarook Recreation Reserve Committee	One Councillor	Cr Stevens	
Tooborac Mechanics Hall and Reserve Committee	One Councillor	Cr Chisholm	

Central Ward

Organisation	Representation	2020 Nominations	Proposed 2021 Nominations
JJ Clancy Reserve Committee of Management Inc.	One Councillor	Cr Humm	
Kilmore Soldiers Memorial Hall Inc.	One Councillor	Cr Humm	
Wandong Public Hall Inc.	One Councillor	Cr Lowe	
WHJ Sports and Community Inc. (at LB Davern Reserve, Wandong)	One Councillor	Cr Lowe	

South Ward

Organisation	Representation	2020 Nominations	Proposed 2021 Nominations
Beveridge Recreation Reserve Committee Inc.	One Councillor	Cr Cornish	
Committee of Management RB Robson Stadium Inc.	One Councillor	Cr Cornish	
Greenhill Social Club Inc.	One Councillor	Cr Eldridge	

COUNCIL AND ADVISORY COMMITTEES**Council Committees**

Committee	Representation	2020 Nominations	Proposed 2020 Nominations
Audit and Risk Committee	Two Councillors Mayor (Ex-officio)	Cr Lowe Cr Atkinson	
Community Questions and Hearings Committee	All Councillors	All Councillors	
CEO Performance Review Advisory Committee	Mayor Past Mayor One Councillor	Mayor Past Mayor, Cr Chisholm Cr Eldridge	

Advisory Committees

Committee	Representation	2020 Nominations	Proposed 2021 Nominations
Australia Day Awards Committee	Mayor Three Councillors (one Councillor from each Ward)	Cr Lowe, Mayor Cr Sanderson Cr Cornish Cr Humm	
Mitchell Early Years Advisory Committee	One Councillor	Cr Cornish	
Mitchell Environment Advisory Committee	One Councillor	Cr Eldridge	
Mitchell Fire Consultative Forum	One Councillor	Cr Goble Cr Chisholm (Substitute)	
Mitchell Heritage Advisory Committee	One Councillor	Cr Humm	
Mitchell Youth Advisory Meeting	One Councillor	Cr Cornish	
Social Justice Advisory Committee	One Councillor	Cr Goble	

5 CLOSE OF MEETING