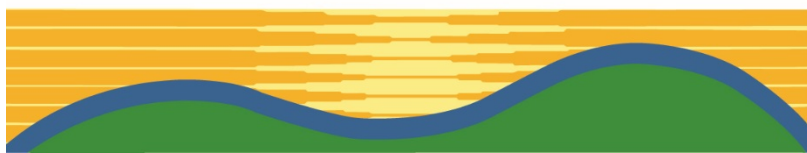


MITCHELL SHIRE COUNCIL



SPECIAL COUNCIL MEETING

AGENDA

**MONDAY 23 MARCH 2020
5.45PM**

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 23 March 2020** commencing at **5.45PM**.

**MARY AGOSTINO
ACTING CHIEF EXECUTIVE OFFICER**

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1 WELCOME AND GOVERNANCE DECLARATION

The Mayor 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 79 of the Local Government Act 1989.

4 GOVERNANCE AND CORPORATE PERFORMANCE

4.1 AMENDMENT OF INSTRUMENT OF DELEGATION TO CHIEF EXECUTIVE OFFICER - PANDEMIC PERIOD

Author: Laurie Ellis - Director Governance and Corporate Performance

File No: HR/20/001-02

Attachments: Nil

SUMMARY

With the spread of COVID-19 and the possibility of some Councillors being unable to attend Strategy, Council and Committee meetings, Governance are proposing ways Council can overcome these absences and keep council business going.

The *Local Government Act 1989* does not allow for Council meetings to go ahead using electronic means and Councillors do need to be in attendance for their vote to count.

Council plays a pivotal role as the decision makers and there are in the next few months major decisions that will need to be made in relation to the budget, procurement (ahead of the caretaker period) and planning items.

The inability to form and/or maintain a quorum and conduct the normal business of the council would cause severe disruption to service delivery and so increasing the delegation to the Chief Executive Officer (CEO) would enable the normal decision making of Council to continue in these unusual circumstances. The recommendation limits the extent and circumstances of when the increased delegation can be exercised.

RECOMMENDATION

THAT Council:

1. During the declared State of Emergency arising from the global pandemic COVID-19 and in circumstances where a Council quorum cannot be formed the Council hereby resolves that the existing Chief Executive Officer's delegation is expanded to include all matters that would normally be determined by the Council excluding such matters that are specifically prohibited by the *Local Government Act 1989* or any other relevant Act.
2. The Chief Executive Officer report to the next available meeting of the Council on decisions made under the expanded delegation.

BACKGROUND

Council currently has a detailed delegation for the CEO with some exceptions and limitations. To date the powers have been sufficient as Council has not had instances where it would be faced with possible inability to reach a quorum.

AMENDMENT OF INSTRUMENT OF DELEGATION TO CHIEF EXECUTIVE OFFICER - PANDEMIC PERIOD (CONT.)

ISSUES AND DISCUSSION

The current delegation gives extensive decision-making powers to the CEO. Delegation 'by exception' ensures that just about every decision that Council can make by resolution the CEO can make as a delegate. The CEO (and organisation) can, therefore, generally carry on the business of a council if the Council is unable to meet due to lack of quorum.

There are exceptions to the power of delegation set out in s 98(1) of the *Local Government Act 1989* which exclude adoption of budgets, returns of valuations, 223 submissions and other substantive matters.

Council needs to consider how best to ensure business continuity now that COVID-19 may mean that a Council meeting might not be able to be held.

CONSULTATION

Both legal advice and advice from Local Government Victoria have recommended amending the CEO's delegation as an action for Council to implement.

In discussions with other Councils some of them are taking the following measures:

- providing the opportunity during public question time for people to present their questions in person one at a time
- issuing a public notice discouraging people from attending the meetings
- amending the CEO's delegation

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

All financial or resource management implications associated with this amended delegation can be managed internally.

POLICY AND LEGISLATIVE IMPLICATIONS

The CEO delegations are in line with the requirements of the *Local Government Act 1989*.

RISK IMPLICATIONS

Risk Ranking is determined using [ROHS201-G1- Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Inability to obtain a quorum resulting in important Council decisions not being able to be made Legislative compliance not met	M	Increase CEO delegation	Yes

AMENDMENT OF INSTRUMENT OF DELEGATION TO CHIEF EXECUTIVE OFFICER - PANDEMIC PERIOD
(CONT.)

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

There are no social and environmental implications.

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no children and young people implications.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Amending the CEO delegation will ensure that Council business can continue in the case of the inability to hold a meeting or maintain a quorum occurs. This would ensure that Council business can continue during this pandemic period.

5 CLOSE OF MEETING