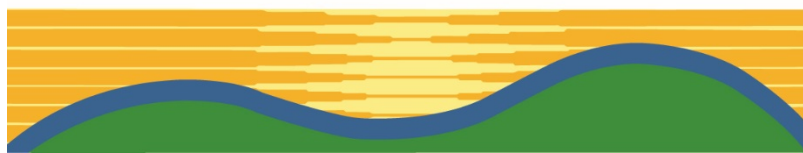


MITCHELL SHIRE COUNCIL



SPECIAL COUNCIL MEETING

AGENDA

WEDNESDAY 2 NOVEMBER 2016
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 **Wednesday 2 November 2016** commencing at **7.00pm**.

DAVID TURNBULL
CHIEF EXECUTIVE OFFICER

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1 WELCOME

Council's Chief Executive Officer, David Turnbull will welcome Councillors, Council Officers and guests to the meeting.

2 ELECTION REPORT

The Chief Executive Officer will present a report on the results of the 2016 Mitchell Shire Council general election.

3 OATH OF OFFICE

Before being capable of acting as a Councillor, all persons elected to be Councillors must:

- a. Take the Oath of Office;
- b. Read the Mitchell Shire Council Councillor Code of Conduct; and
- c. Make a declaration that they will abide by the Mitchell Shire Council Councillor Code of Conduct

Until each of these requirements has been completed an elected person cannot act as a Councillor.

In accordance with section 63 of the *Local Government Act 1989*, each elected Councillor must take the following Oath of Office:

"I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Mitchell Shire Council and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgement"

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.

All persons elected to be a Councillor must read their Councillors Code of Conduct. The *Local Local Government Act 1989* make this the individuals responsibility.

"I hereby declare that I have read the Councillor Code of Conduct for Mitchell Shire Council adopted on 23 May 2016 and declare that I will abide by the Code"

The declaration to abide by the Councillor Code of Conduct must be made in writing before the Chief Executive Officer, dated, signed and witnessed by Chief Executive Officer.

4 ELECTION OF TEMPORARY CHAIRPERSON

Mitchell Shire Council *Meeting Procedure Local Law 2014* makes provision for the election of a Temporary Chairperson to chair the meeting until the Mayor is elected.

The Chief Executive Officer will invite nominations for a Temporary Chairperson.

If there is only one nomination, the candidate is deemed to be elected. If there is more than one nomination, an election will be conducted by the Chief Executive Officer in accordance with the *Meeting Procedure Local Law 2014*.

5 GOVERNANCE DECLARATION

6 APOLOGIES AND LEAVE OF ABSENCE

7 DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with section 79 of the Local Government Act 1989.

8 TERM OF OFFICE OF MAYOR

Section 71 of the *Local Government Act 1989* requires that Council must elect a Councillor to be the Mayor of the Council.

The Act also provides that before a Mayor is elected, the Council may resolve to elect a Mayor for a term of two years. If no decision is made, the term of the Mayor remains as one year.

RECOMMENDATION

THAT Council resolve to elect a Mayor for a term ofyear/s.

9 ELECTION OF MAYOR

Section 71 of the *Local Government Act 1989* requires that Council elect a Councillor to be the Mayor of the Council. The Mayor is to be elected at a meeting open to the public held after the fourth Saturday in October but no later than 30 November in each year.

Any Councillor is eligible for election (or re-election) to the office of Mayor.

The Mayor takes precedence at all municipal proceedings within the municipal district and must take the chair at all meetings of the Council at which he or she is present.

The Local Government Act 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 *Mayoral Election Procedure Policy 2016*. This revised policy was endorsed by Council at its meeting held on 19 September 2016.

The Temporary Chairperson 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.

If there is more than one nomination, an election will be conducted by the Temporary Chairperson with assistance from the Chief Executive Officer in accordance with the *Mayoral Election Procedure Policy 2016*.

Mayoral Address:

The Temporary Chairperson will invite the elected Mayor to take the *Chair* and address the Council.

10 ELECTION OF DEPUTY MAYOR

The election procedure of the office of Deputy Mayor will be governed by the Mitchell Shire *Mayoral Election Procedure Policy 2016*. The office of Deputy Mayor is an honorary role which attracts no additional allowance.

Any Councillor is eligible for election (or re-election) to the office of Deputy Mayor.

The Local Government Act 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.

Election Process:

The election procedure of the office of Deputy Mayor will be governed by the Mitchell Shire *Mayoral Election Procedure Policy 2016*.

The Chairperson (Mayor) will invite nominations for the office of Deputy Mayor.

Any nomination must be seconded.

If there is only one nomination, the candidate is deemed to be elected.

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 *Mayoral Election Procedure Policy 2016*.

Deputy Mayor Address:

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

11 APPOINTMENT OF ACTING MAYOR

Section 73(3) of the *Local Government Act 1989* 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 is therefore recommended that the elected Deputy Mayor be appointed to be Acting Mayor for the purposes of section 73(3) 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 the Deputy Mayor be appointed as Acting Mayor for the purposes of section 73(3) of the *Local Government Act 1989*.

12 MAYORAL AND COUNCILLOR ALLOWANCES

Section 74 of the *Local Government Act 1989* provides for each Council to review and determine Mayoral and Councillor allowances within the period of six months after a general election or by the next 30 June, whichever is later. The allowances determined become payable for the Council term, subject to any variations or adjustments made by the Minister for Local Government.

In accordance with that requirement and following a review and public consultation process the current allowances were fixed by Council resolution on 24 August 2009.

The Local Government Act also provides for the Minister to undertake an annual review of the allowances having regard to movements in the remuneration of executives under the *Public Administration Act 2004*. As a result of these annual reviews, Mayoral and Councillor allowances were increased by 2.5% with effect in 2012, 2013, 2014 and 2015.

The allowances payable to Mitchell Shire Councillors until the next review or adjustment are therefore:

- Councillors - \$24,127 plus 9.5% (superannuation equivalent)
- Mayor - \$74,655 plus 9.5% (superannuation equivalent)

The formal process to review the allowances under section 74 of the Act will be conducted in the first half of 2017 preferably in conjunction with the Annual

Budget process. The revised allowances will apply from the date of the Council resolution.

RECOMMENDATION

THAT this report on Mayoral and Councillor allowances be received and noted.

13 COUNCIL MEETING SCHEDULE

Section 89 of the *Local Government Act 1989* requires Council to provide public notice of meetings of the Council.

Meetings of the Council for the remainder of the 2016 calendar year have previously been appointed by Council resolution and public notice of the adopted meeting schedule has been given.

Council meetings are open to the public except when Council is considering matters designated as confidential in accordance with the *Local Government Act 1989*. Strategy Sessions are for the information of Councillors and are closed to the public.

The meetings for November and December 2016 are shown in the following Table

Date	Meeting	Time
Monday 7 November 2016	Strategy Session – closed session	2pm
Monday 14 November 2016	Hearings Committee Meeting	7pm
Monday 21 November 2016	Ordinary Council Meeting	7pm
Monday 28 November 2016	Strategy Session – closed session	2pm
Monday 5 December 2016	Hearings Committee Meeting	7pm
Monday 12 December 2016	Ordinary Council Meeting	7pm

A proposal for the meeting cycle for the 2017 calendar year will be brought forward for consideration at the November or December 2016 Council meeting.

RECOMMENDATION

THAT the schedule of Council meetings for the remainder of the 2016 calendar year contained in this report be noted and a further report be provided to Council on the proposed meeting cycle for the 2017 calendar year.

14 COUNCILLOR CODE OF CONDUCT

In October 2015, the Victorian Parliament passed a *Local Government Amendment (Improved Governance) Act 2015* which introduced a number of reforms to the *Local Government Act 1989*. These reforms intend to improve the accountability of Councillors and seek to encourage improved standards of behavior in order to strengthen council governance.

The reforms introduced by the *Local Government Amendment (Improved Governance) Act 2015*, requires:

- a. That all incoming Councillors must read their Council's Councillor Code of Conduct and make a declaration that they will abide by it;
- b. A Council to review and make any necessary amendments to their Councillor Code of Conduct within four months after a general election. In completing this review a Councillor must make a declaration to abide by the Councillor Code of Conduct.

RECOMMENDATION

THAT:

1. The Revised 2016 - Councillor Code of Conduct be received and noted;
2. The newly elected Council sign the Revised 2016 - Councillor Code of Conduct;
3. A report reviewing the Councillor Code of Conduct be presented to a Special meeting of the Council prior to 22 February 2017.

15 CLOSE OF MEETING