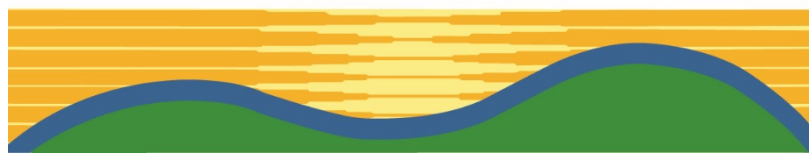


MITCHELL SHIRE COUNCIL



**STATUTORY COUNCIL
MEETING
MINUTES**

MONDAY 16 NOVEMBER 2020

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE
MITCHELL SHIRE COUNCIL HELD AT MITCHELL CIVIC
CENTRE, 113 HIGH STREET BROADFORD ON
16 NOVEMBER 2020**

THE MEETING OPENED: 7.02pm

COUNCILLORS PRESENT

Cr Annie Goble Central Ward
Cr Louise Bannister Central Ward
Cr Nathan Clark Central Ward

Cr Bill Chisholm North Ward
Cr Rhonda Sanderson North Ward
Cr Fiona Stevens North Ward

Cr Christine Banks South Ward
Cr Rob Eldridge South Ward
Cr Bob Cornish South Ward

OFFICERS PRESENT

Mr Brett Luxford Chief Executive Officer
Mr Laurie Ellis Director Governance and Corporate Performance
Ms Mary Agostino Director Advocacy and Community Services
Mr Mike McIntosh Director Development and Infrastructure
Ms Lidia Harding Manager Governance and Corporate Accountability

1 WELCOME AND GOVERNANCE DECLARATION

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

Mitchell Shire Council acknowledges the traditional custodians of the land, those of the Taungurung and Wurundjeri People. We pay our respects to their rich cultures and to Elders past, present and future.

The declaration was read by Cr A. Goble.

2 APOLOGIES AND LEAVE OF ABSENCE

No apologies were received.

3 DISCLOSURE OF CONFLICTS OF INTEREST

Nil.

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.

The Oath or Affirmation of Office was taken, signed by each Councillor and witnessed by the Chief Executive Officer.

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.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. A. GOBLE

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

CARRIED UNANIMOUSLY

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
 - (b) be the principal spokesperson for the Council; and
 - (c) lead engagement with the municipal community on the development of the Council Plan; and
 - (d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
 - (e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
 - (f) assist Councillors to understand their role; and
 - (g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
 - (h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
 - (i) 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.

ELECTION OF THE MAYOR (CONT.)

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.

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.

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. B. CHISHOLM

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

CARRIED UNANIMOUSLY

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.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. B. CHISHOLM

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

CARRIED UNANIMOUSLY

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.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. R. ELDRIDGE

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

CARRIED UNANIMOUSLY

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.

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. R. ELDRIDGE

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

CARRIED UNANIMOUSLY

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.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. A. GOBLE

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.

CARRIED UNANIMOUSLY

5 CLOSE OF MEETING

7.30PM

Confirmed this Monday, 30 November 2020

.....

**Chairperson
Mayor, Cr Rhonda Sanderson**