

AGENDA

STATUTORY MEETING OF COUNCIL

Wednesday, 6 November 2013

To be held
Swan Hill Town Hall,
Council Chambers,
McCallum Street, Swan Hill
Commencing at 6:00 PM

COUNCIL:

Cr LT McPhee
Cr JN Katis
Cr GW Norton
Cr GI Cruickshank
Cr JA Kiley
Cr CM Adamson
Cr JB Crowe

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SECTION A – PROCEDURAL MATTERS

The Chief Executive Officer will chair the meeting to conduct the election of Mayor and Deputy Mayor.

- **Acknowledgement to Country**

- **Prayer**

- **Apologies**

SECTION B – REPORTS

B.13.115 MAYORAL TERM OF OFFICE

Source: Procedural
Department: Chief Executive
File Number: 24-19-00

Summary

The Local Government Act 1989 allows for the election of a Mayor for a two-year term.

Council Plan Strategy Addressed

Councillor and Staff accountability - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

Develop open community relationships – We seek to achieve greater community inclusiveness and understanding of Council's operations and decisions.

Recommendation

That Council determine whether to elect a Mayor for a term of one or two years.

Financial and Resource Implications

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

Background

Local Government Act 1989 Section 71

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 term of 2 years.
3. The Mayor is to be elected –

- a. After the fourth Saturday in October but not later than 30 November in each year; or
- b. If under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or
- c. As soon as possible after any vacancy in the office of the Mayor occurs.

Options

Council may resolve to elect the Mayor for either a one or two year term.

B.13.116 ELECTION OF MAYOR 2013-2014

Source: Procedural
Department: Chief Executive
File Number: 24-19-00

Summary

This report outlines the process and statutory requirements for the election of Mayor for the period from the 6 November 2013 until the November 2013 Statutory Meeting or 2015 subject to the outcome of Agenda Item 1.

Election of Mayor

The Chief Executive Officer must conduct the election of the Mayor in accordance with the provisions of the Act.

Method of Voting

- Council's Local Law Number 1 Part B (attached) stipulates how to conduct the Mayoral election.

Council Plan Strategy Addressed

Councillor and Staff accountability - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

Develop open community relationships – We seek to achieve greater community inclusiveness and understanding of Council's operations and decisions.

Recommendation

NA.

Background

Under section 71 of the Local Government Act 1989, the Councillors must elect a Councillor to be the Mayor of the Council. The term of office of the Mayor is until the next Statutory Meeting of Council for the election of the Mayor is held or until any vacancy in the office of Mayor occurs.

Section 73 of the Local Government Act 1989 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 role of the Mayor is to:

- Chair Council meetings.
- Exercise the casting vote at Council meetings when required.
- Represent the municipality at ceremonial occasions and in political forums.
- Lead, coordinate and provide guidance for the Council and Councillors.
- Lead the Council in relation to policy making and the setting of Council priorities.
- Speak publicly about the Local Government's role and developments in the community.
- Oversee the performance of the Chief Executive Officer.
- Liaise closely with the Chief Executive Officer to ensure effective relationships between Council and its administration in pursuing Council goals.

Relevant Legislation

Local Law No 1 – Meeting Procedure
Local Government Act 1989

Attachments

1 LOCAL LAW NUMBER 1 PART B

PART B ELECTION OF MAYOR

Introduction: The purpose of this Part is to regulate the proceedings for the election of the Mayor and Deputy Mayor pursuant to Section 71 of the Act.

13 ELECTION OF MAYOR AND DEPUTY MAYOR

- 13.1 The Chief Executive Officer will preside at the election of the Mayor and undertake the role of acting Chairman and preside as the returning officer.
- 13.2 All Councillors are eligible to stand for election to the office of Mayor.
- 13.3 Voting shall be by a show of hands.
- 13.4 Candidates for the election of Mayor may address Council for up to five minutes prior to the election of Mayor being conducted.
- 13.5 In determining the election of Mayor, the following process will apply:
 - 13.5.1 Where only one nomination is received, that Councillor must be declared elected upon acceptance by the nominee.
 - 13.5.2 Where two nominations are received, the Councillor with the majority of votes cast will be declared elected.
 - 13.5.3 Where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot.
 - 13.5.4 Where there are more than two nominations received and the result has not been determined under paragraphs 13.5.2 or 13.5.3, the nominee with fewest number of votes cast must be eliminated (and if there is more than one nominee with an equal number of the fewest votes then a lot will determine the successful nominee in this instance) and the names of the remaining nominees must be put to the vote again, and
 - 13.5.5 The procedure in paragraph 13.5.3 must be repeated until the circumstances in paragraph 13.5.4 apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with the majority will be declared elected, or if there is an equal division of votes, the election must be determined by lot.
- 13.6 The procedure for the election of Deputy Mayor shall follow the same procedure as that for the Mayor.

B.13.117 ELECTION OF DEPUTY MAYOR 2013/2014

Source: Procedural
Department: Chief Executive
File Number: 24-19-02

Summary

The Local Government Act 1989 is silent in relation to the election of a Deputy Mayor, however there is nothing to preclude Council from appointing a Deputy Mayor.

Council Plan Strategy Addressed

Councillor and Staff accountability - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

Development of open community relationships – We seek to achieve greater community inclusiveness and understanding of Council’s operations and decisions.

Recommendations

N/A.

Financial and Resource Implications

There is no provision in the Act for a separate allowance for Deputy Mayor.

Background

At the 8 December 2008 Special Council Meeting, Council adopted a Deputy Mayor Position Policy (**POL/GOV006**) to strengthen the position of Mayor and the operations of Council.

Council resolved as follows:

That Council elect a Deputy Mayor to support the Mayoral role 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 Local Law No 1 “Meeting Procedures Local Law”, Part B stipulates that the procedure for the election of Deputy Mayor shall be the same as that for the Mayor.

Section 73 of the Act provides that:

3. 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.
4. 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 Section 73, however Council may appoint any Councillor to be Acting Mayor.

Options

Council policy is to maintain the position of Deputy Mayor.

B.13.118 COUNCIL MEETING LOCATIONS

Source: Procedural
Department: Chief Executive
File Number: 22-13-00

Summary

Each year Council holds its Ordinary meetings in a range of locations throughout the municipality to enable members of the community to be present.

Council meetings commence at 7pm on the third Tuesday of each month.

Council Plan Strategy Addressed

Developing open community relationships - We seek to achieve greater community inclusiveness and understanding of Council's operations and decisions.

Councillor and staff accountability – We will represent the interests of our community and will conduct its affairs openly and with integrity, reflecting high levels of good governance.

Recommendation

That Council meetings in 2014 be held at the locations, dates and times specified in Table 1.

Policy Implications

The Swan Hill Rural City Council Code of Governance identifies that Council meets in different locations throughout the municipality to facilitate public access. Meetings are held at 7.00pm at night to enable members of the community to attend.

Financial and Resource Implications

Costs associated with conducting Council meetings outside of the Council Chamber in the Swan Hill Town Hall are included in the budget each year.

Triple Bottom Line Impact

Facilitating community access to Council meetings will aid the Sustainable Community goal of Building Community Capacity.

Background

Historically Council has held its meetings on the third Tuesday of the month, commencing at 7.00pm to enable interested members of the community to attend Council meetings. For the same reason Council has held its ordinary monthly meetings in a range of locations throughout the municipality.

In the last three years Council has met regularly in Robinvale and on two occasions at smaller locations in the municipality. Traditionally, Council has not met in January (an exception to this practice was made in 2012).

Issues

Meeting in locations outside of Swan Hill enables access to Council meetings by members of the community who otherwise would have to travel significant distances to attend Council meetings.

Scheduling meetings in other locations enables Councillors to inspect local developments and issues prior to the commencement of the Council meeting.

The following table includes meeting locations for 2012 and 2013, and proposed meeting locations and times for 2014:

SECTION B - REPORTS

6 November 2013

Month	2012	2013	2014
January	Swan Hill	No meeting	No meeting
February	Swan Hill	Swan Hill	Swan Hill 18 February 2014 7.00pm
March	Lake Boga	Lake Boga	Ultima 18 March 2014 7.00pm
April	Swan Hill	Swan Hill	Swan Hill 15 April 2014 7.00pm
May	Manangatang	Swan Hill	Swan Hill 20 May 2014 7.00pm
June	Robinvale	Boundary Bend	Swan Hill 17 June 2014 5.00pm
July	Swan Hill	Robinvale	Swan Hill 15 July 2014 5.00pm
August	Swan Hill	Swan Hill	Robinvale 19 August 2014 7.00pm
September	Swan Hill	Swan Hill	Swan Hill 16 September 2014 7.00pm
October	Swan Hill	Nyah	Piangil 21 October 2014 7.00pm
November	Swan Hill	Swan Hill	Swan Hill 18 November 2014 7.00pm
December	Swan Hill	Swan Hill	Swan Hill 16 December 2014 7.00pm

Options

Council can resolve to:

- Continue meeting on the third Tuesday of the month or another day.
- Continue commencing meetings at 7.00pm or at another time.
- Meet in any location it sees fit.

B.13.119 APPOINTMENT OF COUNCIL DELEGATES TO OUTSIDE ORGANISATIONS AND COMMUNITY GROUPS

Source: Procedural
Department: Chief Executive
File Number: 22-20-00

Summary

The purpose of the report is to consider the appointment of Councillors to outside organisations and community groups.

Council Plan Strategy Addressed

Developing open community relationships - We seek to achieve greater community inclusiveness and understanding of Council's operations and decisions.

Councillor and staff accountability – We will represent the interests of our community and will conduct its affairs openly and with integrity, reflecting high levels of good governance.

Recommendation

That Council nominate and/or appoint Councillors to external organisations as shown in Attachment 1 to this report.

Financial and Resource Implications

Travel and accommodation costs will be incurred by Councillors, but these are budgeted for annually.

Triple Bottom Line Impact

Appointments to external organisations will assist Council in achieving triple bottom line objectives.

Background

Council makes appointments to various external organisations and community groups. This assists Council in working closely with its community and taking part in a wide range of activities associated with the development of the Municipality.

Options

Some of the appointments are mandatory (eg Audit Committee) and others are optional.

Attachments

1 COUNCIL DELEGATIONS

COUNCIL DELEGATES

Organisation	Councillor Representative	Councillor/Officer December 2012/ 2013	Councillor/Officer December 2013/ 2014
Asset Naming Sub-Committee (of Council)	Mayor or Deputy Mayor 1 Councillor as member	Deputy Mayor Cr Katis	Deputy Mayor Cr Katis
Audit Committee	2 Councillors as members	Cr Katis Cr Crowe	Cr Katis Cr Crowe
Chief Executive Officer Performance Review Committee	Mayor, Immediate Past Mayor and Councillor	Mayor, Immediate Past Mayor and Councillor	Mayor, Deputy Mayor and Immediate Past Mayor
Swan Hill Regional Livestock Exchange	Councillor Officer	Cr McPhee	Cr McPhee
Swan Hill Indoor Sport & Recreation Centre Committee of Management	Ward Councillors as observers	Cr Adamson	Cr Adamson
Swan Hill Leisure Centre Committee of Management	Councillor as Delegate Councillor as Sub-Delegate	Cr Kiley Cr Adamson Sub-Delegate	Cr Adamson Cr Kiley Sub-Delegate
Swan Hill Regional Art Gallery Advisory Committee	Councillor as member	Cr Kiley	Cr Kiley
Alan Garden Reserve, Committee of Management	Councillor as a member	-	Cr Kiley
Central Murray Regional Waste Management Group	Councillor as Director on Group Board	Cr Cruickshank	Cr Cruickshank
Livestock Saleyards Association of Victoria Inc	Councillor as member	Cr McPhee	Cr McPhee

Organisation	Councillor Representative	Councillor/Officer December 2012/ 2013	Councillor/Officer December 2013/ 2014
Municipal Association of Victoria	Councillor as Delegate Councillor as Sub-Delegate	Cr Norton Mayor as Sub-Delegate	Cr Norton Mayor as Sub-Delegate
Municipal Emergency Management Planning Committee	Councillor as Chair	Cr McPhee Cr Katis Sub-Delegate	Cr McPhee Cr Katis Sub-Delegate
Murray Darling Association	Councillor as member	Cr Norton Cr Crowe Sub-Delegate	Cr Norton Cr Crowe Sub-Delegate
Murray Mallee Local Learning & Employment Network (MLLEN)	Councillor/Officer as member	Cr Adamson	Cr Adamson
Murray River Group of Councils	Mayor and CEO	Mayor CEO	Mayor CEO
North West Municipalities Association	Mayor and CEO or Councillors	Cr Norton as Delegate Cr Adamson as Sub-Delegate	Cr Norton as Delegate Cr Adamson as Sub-Delegate
Swan Hill Community House	Councillor as member	Cr McPhee	Cr McPhee
Swan Hill “Healthy Minds” Network	Councillor as member	Cr Kiley	Cr Kiley
Swan Hill Inc.	Councillor/Officer as board member	Cr Kiley	Cr Kiley
Victorian Local Governance Association (VLGA)	Councillor Delegate and Councillor as Sub-Delegate	Councillor McPhee as Delegate and Councillor Adamson as Sub-Delegate	Councillor McPhee as Delegate and Councillor Adamson as Sub-Delegate

Committee	Councillor 2012/13	Councillor 2013/14
Robinvale Aboriginal Elders Committee	Cr Katis	Cr Katis
Robinvale Euston Business Association	Cr Katis	Cr Katis
Lake Boga Inc	Cr McPhee	Cr McPhee
Manangatang Improvement Group	Cr Norton	Cr Norton
Nyah Action Group	Cr Norton	Cr Norton
Ultima Progress Association	Cr McPhee	Cr McPhee
Bigger Better Beverford Group	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley
Woorinen Progress Association	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley
Piangil Community Group	Cr Norton	Cr Norton
Boundary Bend Progress Association	Cr Norton	Cr Norton
Swan Hill Rural City Residents & Ratepayers Association	Any Councillor can attend	Any Councillor can attend
Rail Freight Alliance	Cr Cruickshank Cr Adamson	Cr Cruickshank Cr Adamson
Central Murray Regional Transport Forum	Cr Cruickshank Cr Adamson	Cr Cruickshank Cr Adamson
Tree Committee	Cr Katis Cr Kiley	Cr Katis Cr Kiley
Chisholm Reserve Motor Sports Development Group	Cr Cruickshank Cr Crowe Cr Adamson	Cr Cruickshank Cr Crowe Cr Adamson
Community Grants	Cr Crowe	Cr Crowe
Rural Councils Victoria	Cr Norton	Cr Norton
GWM Water Mallee Customer Committee	-	Cr Norton

The Councillors allowance was set at \$21,740 and the Mayoral allowance at 57,678. If the Council wishes to increase the allowances up to the maximum allowable, it will need to undertake a public submission process in accordance with Section 223 of the Act.

The current allowance range applicable to this Council is:

Category 2 – Councillors from \$9,317 to \$22,405 and up to \$69,325 for the Mayor. 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% is paid in addition to the allowance.

Councillors are not employees of the 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
- Fax/printer
- Mobile phone and landline if determined
- Stationery
- Access to fax/copier

Reimbursement will be provided for Council related:

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

Options

Council may set the allowances at any figure within the allowable range.