



MINUTES

STATUTORY MEETING OF COUNCIL

Tuesday, 14 November 2017

Held at the
Swan Hill Town Hall Council Chambers,
53-57 McCallum Street, Swan Hill
Commenced at 4pm

COUNCIL:

Cr LT McPhee
Cr JN Katis
Cr GW Norton
Cr C Jeffery
Cr L Johnson
Cr B Moar
Cr A Young

Confirmed 21 November 2017

Chairperson.....

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SECTION A – PROCEDURAL MATTERS

- **Open**

The Chief Executive Officer, Mr John McLinden assumed the chair and declared the meeting open at 4pm.

- **Acknowledgement of Country**

The Chief Executive Officer, Mr John McLinden read the Acknowledgement of Country.

- **Prayer**

Cr McPhee read the prayer.

- **Apologies**

Nil

- **2016/17 Mayoral report**

Cr Les McPhee:

People often say that they have been 'privileged' to serve in a particular role or in a team.

While it is often a term that is bandied around, in this case I can say it is true. I really have been privileged to be mayor this term.

The community elected this new Council in October just over 12 months ago and it has been a fantastic working with you, forming a cohesive team to lead this organisation.

Councillors represent a good cross section of our community with skills in agriculture, public service, community service and business. And each Councillor has been willing to take on roles to serve their ward and the whole municipality.

Working with Council's executive and staff, we have kicked some goals over the past year.

Major projects are often a way the community measures our success, and there have been some highlights this year.

You would all have seen the work happening in the CBD – on Nyah Road and on our drainage system. We have almost finished the Catalina Cafe with the Lake Boga Lions. And we have completed a project to get Swan Hill's drag strip to national standards.

Hard work from Councillors, staff and community has attracted funding for future projects, like the Swan Hill riverfront, a new community hub and library at Robinvale

P-12, the Robinvale town levee, a new boat ramp in Swan Hill's Milloo Street, and the Swan Hill saleyards redevelopment.

This year we have continued working with businesses and government bodies to welcome natural gas to Swan Hill, and the NBN.

While solar projects at Wemen, Bannerton and Swan Hill have started us on our path to becoming an Australian leader in solar.

As a Council, we adopted a new local law to improve public health and safety, released stage 10 of Tower Hill to the market and were pleased to see more than 5800 people visit the Da Vinci exhibition at Swan Hill Regional Art Gallery.

This is all on top of delivering excellent aged care, family services and cultural services; and continuous improvement in the three Rs – roads, rates and rubbish.

In the year ahead and beyond we have some major projects to complete – each with their own unique challenges and benefits.

We must also continue working to improve the way we deliver services to our community, balancing the need for extra funding within the State Government's rate cap.

As this mayoral term ends, I want to thank each of the Councillors for their dedication to our Council and community over the past year, I want to thank Cr Young for being deputy – which is no mean feat in your first year as a Councillor – and I want to thank the executive and staff of Council for your service.

Councillor John Katis: Thanked Councillor Les McPhee for his work in the past 12 months.

SECTION B – REPORTS

B.17.107 MAYORAL TERM OF OFFICE

Responsible Officer: Chief Executive Officer
File Number: S16-04-04
Attachments: Nil.

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

Council need to determine whether the Mayoral term is for one year or two years.

Discussion

In accordance with Local Government Act 1989 Section 71, Council must:

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.

Financial Implications

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

Currently the Mayoral allowance is \$63,666.01 p.a. plus equivalent superannuation (allowed range up to \$76,521 p.a.). The Councillor allowance is \$23,997.19 p.a. plus equivalent superannuation (allowed range \$10,284 to \$24,731 p.a.). These

allowances are adjusted annually by the Minister for Local Government. The adjustment last year was 2.5%. The next adjustment is due on or around 1 December 2017.

Council Plan Strategy Addressed

Effective and efficient utilisation of resources. - Community leadership through effective strategic planning.

Options

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

Recommendation

That Council elect a Mayor for a term of one year.

55/17 Motion

MOVED Cr Norton

That Council elect a Mayor for a term of one year.

SECONDED Cr McPhee

The Motion was put and CARRIED

B.17.108 ELECTION OF MAYOR 2017/18

Responsible Officer: Chief Executive Officer
File Number: S16-04-04
Attachments: Nil.

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report outlines the process and statutory requirements for the election of Mayor. The election of the Mayor will take place as part of this report.

Election of Mayor

The Chief Executive Officer must conduct the election of the Mayor in accordance with the Local Government Act and Council's Local Law Number 1.

Discussion

Under section 71 of the Local Government Act 1989, the Councillors must elect a Councillor to be the Mayor of the Council.

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 Mayor should lead the Council in relation to policy making and the setting of Council priorities.

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.

Prior to the election of the Mayor it is customary to allow the outgoing Mayor the opportunity to speak of their time in the role.

The process to Elect a Mayor will be:

1. The CEO will call for nominations for the position of Mayor.
2. If only one nomination is received and the nominee is willing to serve as Mayor, the nominee will be declared elected.
3. If more than one nomination is received, each nominee will be allowed up to 5 minutes to speak on their own behalf. An election will then be held.
4. The election will be by show of hands. If there are two nominees the person with the most votes will be declared as Mayor. If there are more than two nominees the person with the least votes will be removed as a nominee and similar rounds of voting will occur until a Mayor is elected. Any tied votes will be determined by ballot.

Relevant Legislation

Local Law No 1 – Meeting Procedure
Local Government Act 1989

Council Plan Strategy Addressed

Effective partnerships and relationships with key stakeholders and staff. -
Effective partnerships and relationships with key stakeholders.

Recommendation

That Council elect a Mayor for 2017/18

The Chief Executive Officer called for nominations for the position of Mayor.

Cr Les McPhee nominated himself.

Cr Katis nominated Cr Jeffery, Cr Jeffery accepted the nomination.

Cr McPhee then spoke to his nomination:

Everyone at some-time has a bias, whether it be conscious or unconscious, this bias can be negative or positive.

As Councillors we need to be aware of our biases as under the Local Government Act, a Councillors role includes representing the community in decision making, not our own personal beliefs.

The election of Mayor is a decision left to the Council not the general public like in other jurisdictions where Mayors are elected by the people. Where Mayors are elected by the people this is referred to as popularly elected.

The term “popularly” in my opinion should not be used, instead the “appropriate person” should be the major consideration, to not only be the spokesperson for the Council but also represent the community.

There were four new Councillors elected this term and as a team we have all worked well together as can be seen from what has been achieved in the first 12 months. An aspirational Council Plan was developed that will guide us over the four year term being the major strategic document of Council.

To provide continuity and to further enhance our knowledge and strengthen our team approach over the next 12 months.

I believe that I would be the most appropriate person for the Mayoral role at this time.

Thank you.

Cr Jeffery then spoke to his nomination:

Councillors today I stand for Mayor to give our Council a new voice, new leadership and a fresh face within our community. Councillor McPhee has been an excellent Mayor and provides great leadership for our Council and I will continue if elected today. However I believe now is the time for me to step up to the challenge and be the face of our Council. I would find the role both challenging and rewarding given the skills and experiences that I would build upon in the role. I strongly believe that I can lead our Council as Mayor for the next year.

Over the last 12 months you've seen that I am passionate about our community and the projects we undertake. That my strong opinions in the future of our Council, regardless of how the votes fall. In leading this Council, I will work to serve in the best interests of our community and Council.

We have a strong Council Plan in place, sound financial management and excellent leadership with our CEO and Directors, and a community that is becoming more engaged with the roles Council plays in our communities. I will seek to continue to represent our Council and communities to the best of my ability.

With the support of my family, close friends and work, I seek your support to take our Council forward for the next 12 months as your Mayor, with fresh energy and representation for our Council, but also for the opportunity to be mentored in a leadership position for the future of our Council in the years to come.

Thank you.

The CEO Mr John McLinden then called upon Councillors to vote by a show of hands.

The CEO Mr John McLinden then declared that Councillor Les McPhee elected to the position of Mayor for 2017/18.

56/17 Motion

MOVED Cr Norton

That standing orders be suspended at 4.13pm to robe the Mayor.

SECONDED Cr Katis

The Motion was put and CARRIED

57/17 Motion

MOVED Cr Norton

That Standing Orders be resumed at 4.16pm.

SECONDED Cr Katis

The Motion was put and CARRIED

The Mayor, Cr Les McPee assumed the Chair and congratulated Cr Chris Jeffery for also putting his hand up for the nomination of Mayor. The Mayor, Cr Les McPee said "It's a great effort and especially so early in your career and I'm sure you will make a great Mayor in years to come". He also thanked the Councillors for their support and Cr Katis for his kind words.

B.17.109 ELECTION OF DEPUTY MAYOR 2017/2018

Responsible Officer: Chief Executive Officer
File Number: S16-04-04
Attachments: Nil.

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The Local Government Act 1989 does not require Council to have a Deputy Mayor, however Council has previously resolved to have a Deputy to support the Mayor and Council.

Discussion

Council adopted a Deputy Mayor Position Policy (**POL/GOV006**) to support the position of Mayor and the operations of the Council in September 1999. This policy was last reviewed in May 2015.

The position of Deputy Mayor is necessary 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:

- 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 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.

The election of the Deputy Mayor will follow the same process as the election of the Mayor except that the Mayor will conduct the election.

Financial Implications

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

Council Plan Strategy Addressed

Effective advocacy and strategic planning. - Community leadership through effective strategic planning.

Options

Council may or may not elect a Deputy Mayor.

Recommendation

That Council conduct the election of Deputy Mayor.

58/17 Motion

MOVED Cr Norton

That Council conduct the election of Deputy Mayor.

SECONDED Cr Johnson

The Motion was put and CARRIED

Mayor Les McPhee called for nominations for the position of Deputy Mayor.

Cr Norton nominated Cr Ann Young for the position Deputy Mayor, to which Cr Young accepted.

Cr Katis Nominated himself for the position Deputy Mayor.

Cr Ann Young spoke to her nomination: I would like to thank the people that encouraged me to stand again for Deputy Mayor. Sometimes it has been difficult for me due to personal circumstances but, I've managed to get through it. Hopefully next year will be better.

I have had some interesting times in chairing meetings but I am sure everyone that goes into start chairing meetings must find it a challenging situation so I hope that I can pick that up this year. I have available time to do the position of Deputy Mayor and I don't have a lot of commitments that can't be put on the back burner to be able to do those things. I think I have done quite a good job with public speaking, engagements and openings.

I have a sound knowledge of the history of Swan Hill and I am very passionate about the growth of Swan Hill.

Thank you for the nomination and if I do get the position I will do the best I can.

Cr John Katis spoke to his nomination: The main reason for my nomination is to support the Mayor throughout the year. The other being next year's celebrations of 100 years of the Great War (Villers-Bretonneux). This is not only for Robinvale but throughout the whole municipality. I believe Robinvale will have some of the greatest celebrations that we have seen in this municipality.

The Mayor cannot be every-where and I would like to support the Mayor in the celebrations in Robinvale the with dignitaries attending this event.

If the Mayor cannot be there then the Dupty Mayor should be there. A Dupty Mayor from Robinvale would give the status of Robinvale a rise in the respect of what Robinvale has done as we are a sister city of Villers-Bretonneux (France). One of our young soldiers was killed there and it is something that we hold very dear to our hearts.

Thank you.

The Mayor Cr Les McPhee then called the Councillors to vote by show of hands.

The Mayor Cr Les McPhee then declared Councillor Ann Young elected to the position of Deputy Mayor and congratulated her.

B.17.110 COUNCIL MEETING LOCATIONS

Responsible Officer: Chief Executive Officer
File Number: S16-05-01
Attachments: Nil

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

Each year Council determines, in advance, the locations and times for its Ordinary meetings.

Council meetings currently commence at either 4pm or 6pm usually on the third Tuesday of each month.

This report provides Council with the opportunity to set meeting dates, times and locations.

Discussion

Last year Council held its meetings on the third Tuesday of the month, commencing at either 4pm or 6pm. One meeting was held in Robinvale.

The following table includes meeting locations for 2016 and 2017, and proposed meeting locations and times for 2018:

Council welcomes community participation in local democracy and shall encourage the community to attend Council meetings. Trying alternative meeting times is one way of encouraging community participation.

Month	2016	2017	2018 3 rd Tuesday unless indicated.
January	No meeting	No Meeting	No Meeting
February	Swan Hill 2pm	Swan Hill 4pm	Swan Hill 4pm
March	Swan Hill 2pm	Swan Hill 6pm	Swan Hill 6pm

SECTION B - REPORTS

14 November 2017

April	Swan Hill 2pm	Swan Hill 4pm	Swan Hill 4pm
May	Swan Hill 2pm	Swan Hill 4pm	Swan Hill 4pm
June	Swan Hill 2pm (4 th Tuesday)	Swan Hill 6pm (4 th Tuesday)	Swan Hill 6pm (4 th Tuesday) Due to NGA
July	Swan Hill 2pm	Swan Hill 4pm	Swan Hill 4pm
August	Robinvale 2pm	Robinvale 4pm	Swan Hill 4pm
September	Swan Hill 2pm	Swan Hill 4pm	Robinvale 4pm Robinvale Swapped due to Fairfax in Swan Hill
October	Swan Hill 2pm	Swan Hill 6pm	Swan Hill 6pm
November	Swan Hill 2pm	Swan Hill 4pm	Swan Hill 4pm
December	Swan Hill 2pm	Swan Hill 4pm	Swan Hill 4pm

Consultation

Not applicable.

Financial Implications

Costs associated with conducting Council meetings included in the budget each year.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

1. Continue meeting on the third Tuesday of the month or another day.
2. Continue commencing meetings at 4.00pm or 6.00pm or at another time.
3. Meet in any location Council sees fit.

Recommendation

That Council determines that the Ordinary Meetings for 2018 will be held at the locations, dates and times specified in the table in this report.

59/17 Motion

MOVED Cr Jeffery

That Council determines that the Ordinary Meetings for 2018 will be held at the locations, dates and times specified in the table in this report.

SECONDED Cr Katis

The Motion was put and CARRIED

B.17.111 APPOINTMENT OF COUNCIL DELEGATES TO OUTSIDE ORGANISATIONS

Responsible Officer: Chief Executive Officer
File Number: S16-20-01
Attachments: 1 Council Representatives

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

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

Discussion

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.

Consultation

Not applicable.

Financial Implications

Travel and accommodation costs will be incurred by Councillors and are reimbursed. These costs are budgeted for annually.

Appointments to external organisations will assist Council in achieving its economic, social and environmental objectives.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Effective partnerships and relationships with key stakeholders and staff. -
Effective partnerships and relationships with key stakeholders.

Options

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

Recommendation

That Council appoint Councillors to external organisations as shown in Attachment 1 to this report.

60/17 Motion

MOVED Cr Norton

That Council appoint Councillors to external organisations as shown in Attachment 1 to this report.

SECONDED Cr Jeffery

The Motion was put and CARRIED

COUNCIL DELEGATES

Organisation	Councillor Representative	Councillor / Officer December 2016/17	Councillor / Officer December 2017/18
Asset Naming Sub-Committee (of Council)	Mayor or Deputy Mayor 1 Councillor as member	Cr Katis Cr Jeffery	Cr Katis Cr Jeffery
Audit Committee	2 Councillors as members	Cr Young Cr Johnson	Cr Young Cr Johnson
Chief Executive Officer Performance Review Committee	Mayor, Immediate Past Mayor and Councillor	Cr Johnson Cr Norton Mayor (at least 3 Councillors)	Cr Johnson Cr Norton Mayor (at least 3 Councillors)
Swan Hill Regional Livestock Exchange	Councillor Officer	Cr Moar	Cr Moar
Swan Hill Indoor Sport & Recreation Centre Committee of Management	Ward Councillors as observers	Cr Jeffery	Cr Jeffery
Swan Hill Leisure Centre Committee of Management	Councillor as Delegate Councillor as Sub-Delegate	Cr Johnson CR Moar (sub delegate)	Cr Johnson CR Moar (sub delegate)
Swan Hill Regional Art Gallery Advisory Committee	Councillor as member	Cr Young	Cr Young
Alan Garden Reserve, Committee of Management	Councillor as a member	Cr Jeffery	Cr Jeffery
Loddon Mallee Waste and Resource Recovery Board	Councillor as Director on Group Board	Cr Moar	Cr Moar
Municipal Association of Victoria	Councillor as Delegate Councillor as Sub-Delegate	Cr Norton Cr Young (sub delegate)	Cr Norton Cr Young (sub delegate)

Organisation	Councillor Representative	Councillor / Officer December 2016/17	Councillor / Officer December 2017/18
Municipal Emergency Management Planning Committee	Councillor as Chair	Cr McPhee Cr Jeffery (sub-delegate)	Cr McPhee Cr Jeffery (sub-delegate)
Murray Mallee Local Learning & Employment Network (MLLEN)	Councillor/Officer as member	Cr McPhee	Cr McPhee
Murray River Group of Councils	Mayor and CEO	Mayor CEO	Mayor CEO
North West Municipalities Association	Mayor and CEO or Councillors	Cr Norton	Cr Norton
Swan Hill Inc.	Councillor/Officer as board member	Cr Johnson	Cr Johnson
Lake Boga Land on Water Committee of Management	Councillor as member	Cr McPhee	Cr McPhee
Chisholm Reserve Inc Meeting		Mayor	Mayor
Agribusiness Advisory Committee	Councillor as member	Cr Moar	Cr Moar
Major Events Support Scheme	Mayor	Mayor	Mayor

Committee	Councillor 2016/17	Councillor 2017/18
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 Johnson Cr Jeffery Cr Young Cr Moar	Cr Johnson Cr Jeffery Cr Young Cr Moar
Woorinen Progress Association	Cr Johnson Cr Jeffery Cr Young Cr Moar	Cr Johnson Cr Jeffery Cr Young Cr Moar
Piangil Community Group	Cr Norton	Cr Norton
Boundary Bend Progress Association	Cr Norton	Cr Norton
Wemen Progress Association	Cr Katis	Cr Katis
Rail Freight Alliance	Mayor	Cr Young
Central Murray Regional Transport Forum	Mayor	Mayor
Community Grants	Mayor	Mayor
Rural Councils Victoria	Cr Young Cr Norton (sub delegate)	Cr Young Cr Norton (sub delegate)
Local Aboriginal Network Robinvale	Cr Katis	Cr Katis
Local Aboriginal Network Swan Hill	Cr Johnson Cr Jeffery	Cr Johnson Cr McPhee (sub delegate)
Robinvale Improvement Group	Cr Katis	Cr Katis

There being no further business the Mayor, Councillor Les McPhee closed the meeting at 4.26pm.