

AGENDA

STATUTORY MEETING OF COUNCIL

Tuesday, 12 November 2019

To be held at the
Swan Hill Town Hall Council Chambers,
53-57 McCallum Street, Swan Hill
Commencing at 4:30 PM

COUNCIL:

Cr A Young
Cr LT McPhee
Cr J Benham
Cr C Jeffery
Cr L Johnson
Cr B Moar
Cr N McKay

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SECTION A – PROCEDURAL MATTERS

- **Open**

- **Acknowledgement of Country**

- **Prayer**

- **Apologies**

- **2018/19 Mayoral report**

SECTION B – REPORTS

B.19.120 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

Due to the scheduling of Council Elections in 2020 the Mayoral Term of Office can only be until 6am on 24 October 2020.

Discussion

Normally Council has the ability to choose whether the Mayoral Term of Office is one or two years. A Council Election is scheduled for 24 October 2020 and therefore the Mayoral Term can only be up to the morning of 24 October 2020.

Financial Implications

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

Currently the Mayoral allowance is \$66,238.14 p.a. plus equivalent superannuation (allowed range up to \$79,612 p.a.). The Councillor allowance is \$24,966.68 p.a. plus equivalent superannuation (allowed range \$10,700 to \$25,730 p.a.). These allowances are adjusted annually by the Minister for Local Government.

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 note the new Mayoral Term of Office will be until 6am on 24 October 2020.

B.19.121 ELECTION OF MAYOR 2019/20

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 2019/20.

B.19.122 ELECTION OF DEPUTY MAYOR 2019/2020

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 until 2018/19 Council had a Deputy to support the Mayor and Council.

Council needs to determine whether or not to elect a Deputy Mayor for the 2019/20 year.

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 can assist 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.

If elected 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 would follow the same process as the election of the Mayor with the CEO conducting the election. The Mayor is ineligible from nominating as Deputy Mayor.

Council needs to determine whether or not to have a Deputy Mayor and, if so, elect a Deputy Mayor.

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.

Recommendations

That Council:

- 1. Determine to have a Deputy Mayor.**
- 2. Elect a Deputy Mayor.**

B.19.123 COUNCIL ORDINARY 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 ordinary meetings on the third Tuesday of the month (unless otherwise indicated on the table below), commencing at either 4pm or 6pm. One meeting was held in Robinvale.

The following table includes meeting locations for 2018 and 2019, and proposed meeting locations and times for 2020:

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	2018	2019 3 rd Tuesday unless indicated.	2020 3 rd Tuesday unless indicated.
January	No Meeting	No Meeting	No Meeting
February	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
March	Swan Hill 6pm	Swan Hill 6pm	Swan Hill 6pm

April	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
May	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
June	Swan Hill 6pm (4 th Tuesday) Due to NGA	Swan Hill 6pm (4 th Tuesday) Due to NGA	Swan Hill 6pm (4 th Tuesday) Due to NGA
July	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
August	Swan Hill 4pm	Robinvale 4pm	Robinvale 4pm
September	Robinvale 4pm Robinvale Swapped due to Fairfax in Swan Hill	Swan Hill 4pm	Swan Hill 4pm
October	Swan Hill 4pm	Swan Hill 6pm	Swan Hill 6pm
November	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
December	Swan Hill 4pm	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 2020 will be held at the locations, dates and times specified in the table in this report.