

Minutes

Of the Special Council Meeting

Location: Council Chambers, Municipal Offices
62-68 Ovens Street, Wangaratta

Date: 28 November 2017

Time: 5.30pm

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RURAL CITY OF WANGARATTA LIVE STREAM

CLAUSE 91(4) OF THE GOVERNANCE AND MEETING CONDUCT LOCAL LAW PROVIDES THE FOLLOWING:

“THIS PUBLIC MEETING IS BEING RECORDED TO IMPROVE ACCESS TO THE MEETING FOR OUR COMMUNITY. THE RECORDING WILL BE PUBLISHED AND WILL BE RETAINED BY COUNCIL IN ACCORDANCE WITH COUNCIL’S LEGAL OBLIGATIONS. AS A VISITOR IN THE PUBLIC GALLERY, YOUR PRESENCE MAY BE RECORDED.”

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.

2. OPENING PRAYER

Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen

3. PRESENT

COUNCILLORS:

MR DAVID FULLER, MR DEAN REES, MR HARRY BUSSELL, MR HARVEY BENTON, MR KEN CLARKE OAM, MR MARK CURRIE, MS ASHLEE FITZPATRICK

OFFICERS:

BRENDAN MCGRATH, CHIEF EXECUTIVE OFFICER, RUTH KNEEBONE , DIRECTOR CORPORATE SERVICES, ALAN CLARK, DIRECTOR INFRASTRUCTURE SERVICES, JAIME CARROLL , DIRECTOR COMMUNITY WELLBEING, BARRY GREEN, DIRECTOR DEVELOPMENT SERVICES

4. ABSENT

NIL

5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

ORDER OF BUSINESS

6. CONFLICT OF INTEREST DISCLOSURE

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a ‘*conflict of interest*’ in a decision if they would receive, or could reasonably be perceived as receiving, a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

No conflicts of interest were declared

PRESENTATION OF REPORTS

OFFICERS' REPORTS

7. CORPORATE SERVICES

7.1 MAYORAL TERM OF OFFICE

Meeting Type: Special Council Meeting
Date of Meeting: 28 November 2017
Author: Governance and Risk Advisor
File Name: GOVERNANCE - Administration - 2017 - Administration
File No: F16/2234

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to provide for the determination of the Mayor's term of office.

Resolution:

(Moved: Councillor D Rees/Councillor H Benton)

That Council determines the Mayor's term of office as being 1 year.

Carried

Background

Council may resolve to elect a Mayor for a term of either one or two years, but must do so before the Mayor is elected. If Council does not make this resolution, then the term of the Mayor remains as one year.

Implications

Policy Considerations

Council's Governance and Meeting Conduct Local Law No.2 of 2016 relates to this report.

Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report.

Legal/Statutory

Section 71(2) of the Local Government Act 1989 provides that before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of two years.

Social

There are no social impacts identified for the subject of this report.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

2017 – 2021 Council Plan

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable

It is non-negotiable that we will meet all of our legislative and compliance requirements.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Inform the public of the length of the Mayor's term of office.	Record the length of the Mayor's term of office in the minutes of this meeting. Publish the minutes of this meeting and make them available at the Council office and on Council's website.

Options for Consideration

The two options for consideration are that the Mayor's term of office is either one year or two years.

Conclusion

Council should decide the most appropriate length of office for the elected Mayor.

Attachments

Nil

7.2 MAYORS OUTGOING SPEECH

Meeting Type: Special Council Meeting
Date of Meeting: 28 November 2017
Author: Executive Service Coordinator
File Name: N/A
File No: N/A

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This agenda item allows for the outgoing Mayor delivers a speech in relation to the achievements during the previous mayoral term.

RESOLUTION:

(Moved: Councillor H Bussell/Councillor H Benton)

Councillor H Bussell moved a motion:

That Council receives the outgoing Mayor's speech.

Carried

Attachments

Nil.

7.3 ELECTION OF MAYOR

Meeting Type: Special Council Meeting
Date of Meeting: 28 November 2017
Author: Governance and Risk Advisor
File Name: GOVERNANCE - Administration - 2017 - Administration
File No: F16/2234

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

The *Local Government Act 1989* stipulates that Council must elect a Mayor at a meeting open to the public. This report relates to the election of the Mayor for the Wangaratta Rural City Council.

RECOMMENDATION:

That the Chief Executive Officer conducts the election of the Mayor of the Wangaratta Rural City Council.

That Councillor is duly elected Mayor of the Wangaratta Rural City Council for the term as resolved by Council.

RESOLUTION:

Brendan McGrath, Chief Executive Officer invited nominations for the position of Mayor.

***Councillor D Rees nominated Councillor K Clarke OAM
Councillor H Bussell nominated Councillor D Fuller***

The Chief Executive Officer called for a show of hands for each nominee.

Councillor K Clarke OAM received – five votes (majority).

The Chief Executive Officer declared Councillor K Clarke OAM elected as Mayor for the term of 1 year.

Mayor K Clarke OAM was installed in the chair by the Chief Executive Officer.

Background

The Act requires that 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.

The important role of the Mayor is set out in section 73AA of the Act. The Mayor is required to demonstrate Council and community leadership by:

- (a) Providing guidance to councillors about what is expected of a councillor including:
 - (i) The role of a councillor;
 - (ii) The observation of the councillor conduct principles; and
 - (iii) The observation of the Councillor Code of Conduct;
- (b) Acting as the principal spokesperson for Council which includes:
 - (i) Speaking publicly on behalf of Council both in the media and at public events; and
 - (ii) Liaising with important stakeholders from the community, business and other tiers of government to promote the interests of Council and the local community;
- (c) Supporting good working relations between councillors which includes:
 - (i) Fostering positive relationships between councillors;
 - (ii) Encouraging cooperation among councillors;
 - (iii) Promoting unity; and
 - (iv) Being alert to personal abuse, bullying, intimidation and other unacceptable behaviour and being responsible for addressing these issues;
- (d) Carrying out the civic and ceremonial duties of the office of mayor in a respectful and dignified manner by diligently and responsibly:
 - (i) Representing Council at important civic functions in the municipality including celebrating significant occasions such as Australia Day and Anzac Day;
 - (ii) Hosting civic functions;
 - (iii) Officiating at other local municipal events such as citizenship ceremonies; and
 - (iv) Presenting Council awards such as local Citizen of the Year.

Implications

Policy Considerations

The Wangaratta Rural City Council Governance and Meeting Conduct Local Law No. 2 of 2016 provides guidance regarding the process of the election of the Mayor.

Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report.

Legal/Statutory

Section 71(1) of the Act provides that 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

after the fourth Saturday in October but not later than 30 November in each year if the term of office is one year.

If the Mayor is elected for a term of two years, the next election of Mayor is two years after the fourth Saturday in October but not later than 30 November in the second year after the election.

Social

There are no social impacts identified for the subject of this report.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

2017 – 2021 Council Plan

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable

It is non-negotiable that we will meet all of our legislative and compliance requirements.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Inform the public of the taking of the election of the Mayor.	Record the election of the Mayor in the minutes of this meeting. Publish the minutes and make them available at the Council office and on Council's website.

Options for Consideration

There are no alternative options to the election of a mayor as it is required by the Act.

Conclusion

Nominations should be called for the position of Mayor of the Wangaratta Rural City Council and a Mayor should be subsequently elected.

Attachments

Nil

7.4 COMMENCEMENT SPEECH BY INCOMING MAYOR

Meeting Type: Special Council Meeting
Date of Meeting: 28 November 2017
Author: Executive Service Coordinator
File Name: N/A
File No: N/A

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This agenda item allows for the newly elected Mayor to make an incoming speech as provided for in Council's Governance and Meeting Conduct Law No.2 of 2016.

Attachments

Nil.

7.5 DEPUTY MAYOR

Meeting Type: Special Council Meeting
Date of Meeting: 28 November 2017
Author: Governance and Risk Advisor
File Name: GOVERNANCE - Administration - 2017 - Administration
File No: F16/2234

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to provide for the determination of the appointment of a Deputy Mayor.

RECOMMENDATION:

That Council:

1. *makes a determination on the establishment of the position of Deputy Mayor of Wangaratta Rural City Council for a term of office equivalent to the term of office of the Mayor as resolved by Council in agenda item 7.1; and*
2. *having determined to appoint a Deputy Mayor, call for nominations for the position of Deputy Mayor of the Wangaratta Rural City Council and that a Deputy Mayor be subsequently elected for a term of office equivalent to the term of office of the Mayor as resolved by Council in agenda item 7.3; and*
3. *holds the election for Deputy Mayor*
4. *determine the person holding the position of Deputy Mayor is appointed as Acting Mayor, if there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act; and*
5. *confirm Cr..... is elected as Deputy Mayor, and be subsequently elected for the term of office as determined by Council in agenda item 7.1.*

RESOLUTION:

(Moved: Councillor H Bussell/Councillor D Fuller)

That Council:

1. ***makes a determination on the establishment of the position of Deputy Mayor of Wangaratta Rural City Council for a term of office equivalent to the term of office of the Mayor as resolved by Council in agenda item 7.1; and***

- 2. having determined to appoint a Deputy Mayor, call for nominations for the position of Deputy Mayor of the Wangaratta Rural City Council and that a Deputy Mayor be subsequently elected for a term of office equivalent to the term of office of the Mayor as resolved by Council in agenda item 7.3; and**
- 3. determine the person holding the position of Deputy Mayor is appointed as Acting Mayor, if there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act; and**

Carried

Mayor K Clarke OAM invited nominations for the position of Deputy Mayor:

Councillor D Rees nominated Councillor M Currie;

As there were no further nominations Mayor K Clarke OAM then declared Councillor M Currie as Deputy Mayor for a 1 year term.

Carried

Background

The Wangaratta Rural City Council Governance and Meeting Conduct Local Law No. 2 of 2016 (the Local Law) provides that Council **may** elect a Deputy Mayor.

Clause 11(2) of the Local Law provides that if Council resolves to elect a Councillor to the position of Deputy Mayor, Council must also resolve to appoint the person holding the position of Deputy Mayor as Acting Mayor, if there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act.

The Mayor is considered to be absent, incapable of acting or refusing to act, if the Mayor is on a leave of absence.

If the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair in accordance with clause 18 of the Local Law, but is not considered to be the Acting Mayor.

The term of a Deputy Mayor is identical to the term of the Mayor.

If a Deputy Mayor position is not established then section 73(3) of the *Local Government Act 1989* (the Act) applies which provides for the appointment of an Acting Mayor where there is vacancy in the office of Mayor, or the Mayor is absent, incapable of acting, or refusing to act.

Implications

Policy Considerations

Council's Governance and Meeting Conduct Local Law No. 2 of 2016 relates to this report.

Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report.

Legal/Statutory

Section 71 of the Acr relates to the Election of Mayor. Section 73 relates to the Precedence of the Mayor and provides for the appointment of an Acting Mayor.

Social

There are no social impacts identified for the subject of this report.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

Options for Consideration

The two options are to either:

1. elect a Deputy Mayor who will then be Acting Mayor in the absence of the Mayor throughout the Mayor's term; or
2. choose not to elect a Deputy Mayor, instead choosing an Acting Mayor in the absence of the Mayor.

Option 1 may be a more efficient method of providing for an Acting Mayor in the Mayor's absence.

Option 2 may provide opportunities for more than one Councillor to experience the role of the Mayor which in turn may assist future determinations of the position of Mayor.

Conclusion

Council may make a determination as to whether or not a Deputy Mayor position is established and a Deputy Mayor subsequently elected.

Attachments

Nil

7.6 APPOINTMENTS TO PORTFOLIOS AND COMMITTEES

Meeting Type: Special Council Meeting
Date of Meeting: 28 November 2017
Author: Executive Assistant Corporate Services and Councillors
File Name: GOVERNANCE - Councillor Management - Administration
File No: F16/2126

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council for consideration of appointments of Councillors to portfolios and committees.

RESOLUTION:

(Moved: Councillor D Rees/Councillor A Fitzpatrick)

That Council:

1) Makes the following portfolio appointments:

- a) Councillor H Benton to the Infrastructure & Emergency Services portfolio and the Agriculture portfolio***
- b) Councillor D Rees to the Planning portfolio***
- c) Councillor M Currie to the Economic Development portfolio***
- d) Councillor A Fitzpatrick to the Community Wellbeing, Family, Youth & Disability portfolio***
- e) Councillor D Fuller to the Arts & Culture portfolio, Sport & Recreation portfolio and Environment portfolio***
- f) Councillor H Bussell to the Tourism & Events portfolio***

2) Makes the following committee appointments:

- a) The holder of the Infrastructure & Emergency Services portfolio to the:***
 - i) Municipal Emergency Management Planning Committee***
 - ii) Municipal Fire Management Planning Committee***
 - iii) Timber Towns representative.***
- b) The holder of the Agriculture portfolio to the Agriculture & Agribusiness Advisory Committee***
- c) The holders of the Economic Development portfolio and Tourism & Events portfolio to the Wangaratta Economic Development and***

Tourism Committee

- d) The holder of the Arts & Culture portfolio to the Arts, Culture and Heritage Advisory Committee***
 - e) The holder of the Sport & Recreation portfolio to the:***
 - i) Sport and Recreation Advisory Committee***
 - ii) Friends of Lacluta Special Committee***
 - iii) Place Naming Committee***
 - f) The holder of the Community Wellbeing, Family, Youth and Disability portfolio to the Youth Council Representative***
 - g) Mayor K Clarke & Councillor M Currie to the Audit Advisory Committee***
 - h) Councillor D Fuller to the Wangaratta Festival of Jazz Incorporated Board.***
- 3) Amends Committee charters where required to refer to the appropriate portfolio.***

Carried**Background**

The annual appointment of Councillors to committees and bodies was prescribed to occur at the meeting to elect the Mayor by the Governance and Meeting Conduct Local Law No. 2 of 2016.

Council nominates or appoints representatives and delegates to Council advisory committees, Special Committees and other associated committees and bodies annually, or as needed (***refer attachment***). Participation is an essential part of a Councillor's representative role.

A Councillor appointed as a representative to a committee will represent the position of Council, and report back to Council at an Ordinary Council Meeting on the issues or progress of the committee, and any recommendations made by the committee for Council to consider.

In allocating representative roles to councillors, consideration should be given to councillors' areas of interest and priorities and a fair and reasonable sharing of workload and time demands.

Implications**Policy Considerations**

Council advisory committee and special committee charters provide for the type, number and role of Councillor representatives.

A number of charters refer to the appointment of the holders of specific Councillor portfolios. A decision regarding the use and, if required, the allocation of portfolio appointments is required precedent to the allocation of committee appointments.

If portfolio appoints are to be used, the following suggestions for appropriate portfolios may be considered:

Infrastructure & Emergency Services

This portfolio contains the matters concerning infrastructure planning and deliver, field services, waste management and emergency services.

Agriculture

This portfolio represents the interest of the rural community in Council operations.

Planning

This portfolio incorporates strategic and statutory planning and building services. Whilst there is no formal committee associated with this portfolio, the holder of this portfolio will be involved in strategic planning community consultation and planning mediation and consultation meetings.

Economic Development

This portfolio focusses on economic opportunities to deliver growth and improvements in:

- Workforce development
- Investment ready land and infrastructure
- Employment
- Business confidence and diversification.

Tourism & Events

This portfolio focusses on opportunities and economic and social outcomes that are achieved through the promotion of tourism and events throughout the municipality.

Arts & Culture

This portfolio supports the Council operations of the Performing Arts Centre, the Wangaratta Gallery, the Wangaratta Library, cultural and heritage pursuits and Council's events program. The Wangaratta Festival of Jazz falls into this portfolio and it is recommended that one Councillor and one Council officer be appointed to this board to allow for better operational connection to the festival.

Community Wellbeing, Family, Youth & Disability

Council's services, aged and disability care, Youth Council and associated activities fall within this portfolio.

Sport & Recreation

Sporting activities and recreation reserves and their associated activities fall within this portfolio.

Environment

Protection of the natural environment and the support of sustainable behaviours by Council and the community fall within this portfolio.

If portfolio appointments are not to be used, the motion appointing Councillor representatives should also vary the various committee charters.

Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report.

Legal/Statutory

There are no legal/statutory implications identified for the subject of this report.

Social

There are no social impacts identified for the subject of this report.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

Conclusion

Should Council determine that the recommended portfolios are appropriate to the needs of this municipality, it should appoint Councillors to those portfolios. Appointments to Council Committees and Boards must also be made by Council, some of which will be a natural consequence of the portfolio appointments. Some adjustments to the charters of Council committees will be required to accommodate the portfolio names.

Attachments

- 1 SUGGESTED PORTFOLIO AND ADVISORY COMMITTEE APPOINTMENTS [⇒](#)

8. **CLOSURE OF MEETING**

The Meeting closed at 5:49pm.