

MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

SPECIAL COUNCIL MEETING

HELD ON
TUESDAY 15 NOVEMBER, 2016
AT 5.30PM

IN THE COUNCIL BOARDROOM

COUNCILLORS:

Cr Dinny Adem (Mayor)
Cr Kim O’Keeffe (Deputy Mayor)
Cr Seema Abdullah
Cr Bruce Giovanetti
Cr Chris Hazelman
Cr Les Oroszvary
Cr Dennis Patterson
Cr Fern Summer
Cr Shelley Sutton

VISION

*A THRIVING ECONOMY IN THE FOODBOWL OF VICTORIA WITH
EXCELLENT LIFESTYLES, INNOVATIVE AGRICULTURE
A DIVERSE COMMUNITY AND
ABUNDANT OPPORTUNITIES*

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FOR THE
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HELD ON
TUESDAY 15 NOVEMBER, 2016 AT 5.30PM**

**CHAIR
CHIEF EXECUTIVE OFFICER
CR DINNY ADEM**

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RISK LEVEL MATRIX LEGEND

Note: A number of reports in this agenda include a section on “risk management implications”. The following table shows the legend to the codes used in the reports.

Likelihood	Consequences				
	Negligible (5)	Minor (4)	Moderate (3)	Major (2)	Catastrophic (1)
Almost Certain (A) Event expected to occur several times per year (i.e. Weekly)	Low	Moderate	High	Extreme	Extreme
Likely (B) Will probably occur at some stage based on evidence of previous incidents (i.e. Monthly)	Low	Moderate	Moderate	High	Extreme
Possible (C) Not generally expected to occur but may under specific circumstances (i.e. Yearly)	Low	Low	Moderate	High	High
Unlikely (D) Conceivable but not likely to occur under normal operations (i.e. 5-10 year period)	Insignificant	Low	Moderate	Moderate	High
Rare (E) Only ever occurs under exceptional circumstances (i.e. +10 years)	Insignificant	Insignificant	Low	Moderate	High

Extreme CEO’s attention immediately required. Possibly avoid undertaking the activity OR implement new controls

High Director’s attention required. Consider suspending or ending activity OR implement additional controls

Moderate Manager’s attention required. Ensure that controls are in place and operating and management responsibility is agreed

Low Operational, manage through usual procedures and accountabilities

Insignificant Operational, add treatments where appropriate

PRESENT: Councillors Dinny Adem, Kim O’Keeffe, Seema Abdullah, Bruce Giovanetti, Chris Hazelman, Les Oroszvary, Dennis Patterson, Fern Summer and Shelley Sutton.

OFFICERS: Peter Harriott – Chief Executive Officer
Steve Bowmaker – Director Infrastructure
Johann Rajaratnam – Director Sustainable Development
Kaye Thomson – Director Community
Maree Martin – Official Minute Taker
Peta Bailey – Deputy Minute Taker

1. ACKNOWLEDGEMENT

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors.”

2. APOLOGIES

Nil

3. DECLARATIONS OF CONFLICT OF INTEREST

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.

4. CORPORATE SERVICES DIRECTORATE

4.1 Mayoral Position Description

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Team Leader Governance

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

The purpose of this report is to review and adopt the Mayoral position description.

The Mayor is the leader of the Council and has a number of roles which are both legislative and functional.

The functions of the Mayor are defined in legislation under Section 73 and 73AA of the *Local Government Act 1989*. This legislation was recently amended, expanding the role of the Mayor into a more prominent leadership role within the Council.

This position description has been developed in addition to the functions outlined in legislation to provide clarity on the Mayor's key responsibility areas, skills, knowledge, qualifications and experience. The role extends well beyond officiating at council meetings or other municipal proceedings and includes providing leadership, promoting positive relationships, and modelling good governance.

Moved by Cr Abdullah
Seconded by Cr Sutton

That the Mayoral position description be adopted.

CARRIED

Background

As in previous years, a position description is presented for adoption to provide clarity on the role, prior to conducting the election of the Mayor.

This document sets out the objectives and accountabilities for the position, to enable the Council and the community to assess the Mayor's performance in these areas.

The position description is reviewed prior to each Mayoral election to ensure that it continues to reflect the legislative and other requirements of the position, as well as the expectations that the Council has of the incumbent.

4. CORPORATE SERVICES DIRECTORATE

4.1 Mayoral Position Description (continued)

The *Local Government Act 1989* states that the functions of the Mayor include:

- Providing guidance to Councillors about what is expected of a Councillor, including in relation to the role of a Councillor under section 65, and the observation of the Councillor Conduct Principals and the Councillor Code of Conduct under section 76B, 76BA and 76C
- Acting as the principal spokesperson for the Council
- Supporting good working relations between Councillors
- Carrying out the civic and ceremonial duties of the Office of the Mayor

Council Plan/Key Strategic Activity

This proposal supports Action 5.3 of the *Council Plan 2013-2017*: “Ensure strong internal systems and processes to ensure best practice delivery of services for the community”.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Mayor not adhering to the position description	D	2	Low	Councillor induction training is provided. Support and advice will be available from the CEO and Council officers.
Elected Councillor not understanding the increased responsibility and time commitments arising from Mayoral appointment	D	4	Low	These responsibilities are clearly outlined in the Mayoral position description which is provided to all Councillors.

Policy Considerations

The Mayoral Position Description is consistent with the principles outlined in the Councillor Code of Conduct.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

There are no legal or statutory implications arising from this proposal.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts arising from this proposal.

Social Implications

There are no social implications arising from this proposal.

Economic Impacts

There are no economic impacts arising from this proposal.

4. CORPORATE SERVICES DIRECTORATE

4.1 Mayoral Position Description (continued)

Consultation

Councillors have been consulted in relation to the review of the Mayoral position description. Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the *Greater Shepparton 2030 Strategy*.

b) Other strategic links

There are no other strategic links

Conclusion

It is recommended that the Council adopt the revised Mayoral position description as it is reflective of the current legislative responsibilities associated with the role.

Attachments

Mayoral Position Description - 2016 [↓](#) Page 14

4. CORPORATE SERVICES DIRECTORATE

4.2 Election of Mayor

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Team Leader Governance

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

The purpose of this report is to facilitate the election of a Councillor to be the Mayor of Greater Shepparton City Council.

Moved by Cr O’Keeffe
Seconded by Cr Hazelman

That the Mayoral term be set for a period of one year.

CARRIED

Cr Summer nominated Cr Adem.

There being no further nominations, the Chair declared Cr Adem duly elected as the Mayor of Greater Shepparton City Council.

Background

In accordance with section 71 of the *Local Government Act 1989*, Councillors must elect a Councillor to be the Mayor of the Council. Traditionally Council has appointed Mayors for one year terms. However, under section 71(2) of the Act Council may resolve to elect a Mayor for a term of two years.

Council Plan/Key Strategic Activity

There are no direct links to the *Council Plan 2013-2017*.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Elected Councillor not understanding the increased responsibility and time commitments arising from Mayoral appointment	D	4	Low	A Mayoral position description outlining the responsibilities of the Mayor will be adopted.

4. CORPORATE SERVICES DIRECTORATE

4.2 Election of Mayor (continued)

Policy Considerations

This proposal does not conflict with existing Council policies.

Financial Implications

There are no financial implications arising from this proposal. Provision has been provided for the payment of a Mayoral Allowance in the 2016/17 Budget.

Legal/Statutory Implications

Section 71 of the *Local Government Act 1989* states that the Council must elect a Councillor to be the Mayor of the Council at a meeting of the Council that is open to the public.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts arising from this proposal.

Social Implications

There are no social implications arising from this proposal.

Economic Impacts

There are no economic impacts arising from this proposal.

Consultation

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the *Greater Shepparton 2030 Strategy*.

b) Other strategic links

There are no other strategic links.

Conclusion

In accordance with section 71 of the *Local Government Act 1989* the Councillor must appoint one of their members to serve as Mayor of Greater Shepparton.

Attachments

Nil

4. CORPORATE SERVICES DIRECTORATE

4.3 Election of Deputy Mayor

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Team Leader Governance

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

The purpose of this report is to appoint a Deputy Mayor to serve during the Mayoral term of office.

**Moved by Cr Giovanetti
Seconded by Cr Patterson**

That the Council:

1. appoint a Deputy Mayor for the Mayoral Term; and
2. if, during the Mayoral Term, there is a vacancy in the office of the Mayor or the Mayor is absent, incapable of acting or refusing to act, then provided the Deputy Mayor is available, the Council hereby appoints the Deputy Mayor to be the Acting Mayor in accordance with Section 73(3) of the Local Government Act 1989.

CARRIED

Cr Giovanetti nominated Cr O’Keeffe.

There being no further nominations, the Chair declared Cr O’Keeffe duly elected as the Deputy Mayor of Greater Shepparton City Council.

Background

There is no statutory requirement to elect a Deputy Mayor, but the Council has traditionally adopted the practice of appointing a Councillor to this role, to act as the chair in the absence of the Mayor at Council meetings or where the Mayor is required to vacate the chair. It also allows the Deputy Mayor to receive the pledge of commitment at citizenship ceremonies and to act as spokesperson in the Mayor’s absence. No additional allowance is payable and the Council will need to resolve that a Deputy Mayor be appointed. There is no position description for the role of Deputy Mayor, as the Mayoral position description applies on all occasions that the Deputy Mayor acts in that role and there are no separate and distinct duties or responsibilities assigned to the position of Deputy Mayor.

4. CORPORATE SERVICES DIRECTORATE

4.3 Election of Deputy Mayor (continued)

In accordance with *Local Law No. 2 – Processes of Municipal Government (Meetings and Common Seal)* the election of a Deputy Mayor will follow the same procedure as that used for the election of Mayor.

Council Plan/Key Strategic Activity

There are no direct links to the *Council Plan 2013-2017*.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Councillor appointed to the role of Deputy Mayor not understanding their responsibilities when deputising for the Mayor.	D	4	Low	A Mayoral position description will be adopted. Advice and support will also be available from the Mayor and Council officers.

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this proposal as there is no additional allowance payable to the Deputy Mayor.

Legal/Statutory Implications

There is no statutory requirement for the Council to elect a Deputy Mayor but the Council has traditionally adopted the practice of appointing a Councillor to this role in order to receive the pledge of commitment at citizenship ceremonies and to act as spokesperson in the absence of the Mayor.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts arising from this proposal.

Social Implications

There are no social implications arising from this proposal.

Economic Impacts

There are no economic implications arising from this proposal.

Consultation

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the *Greater Shepparton 2030 Strategy*.

b) Other strategic links

There are no other strategic links.

4. CORPORATE SERVICES DIRECTORATE

4.3 Election of Deputy Mayor (continued)

Conclusion

It is recommended that Councillors elect a Councillor to fill the role of Deputy Mayor for the purposes of receiving a pledge of commitment at citizenship ceremonies and to attend functions and act as Council spokesperson on occasions when the Mayor is unavailable to do so.

Attachments

Nil

4. CORPORATE SERVICES DIRECTORATE

4.4 Mayor and Councillor Allowances

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Team Leader Governance

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

The purpose of this report is to set the allowances payable to the Mayor and Councillors.

Moved by Cr Patterson
Seconded by Cr Summer

That the Council, in accordance with the provisions of section 74 of the *Local Government Act 1989*:

1. resolve that the Councillor allowance be set at \$24,127 and the Mayoral allowance be set at \$74,655
2. approve the application of any incremental increases to Mayoral and Councillor allowances following the annual review undertaken and authorised by the Minister for Local Government.

CARRIED

Background

Under section 74(A)(2) of the *Local Government Act 1989* (the Act) Council is required to pay an allowance to each of its councillors (except where a councillor does not wish to receive an allowance). The allowance is in addition to any out-of-pocket expenses incurred by councillors while performing their duties as members of the Council.

The Minister for Local Government, the Hon Natalie Hutchins MP, conducts an annual review of the limits and ranges of the current Mayoral and Councillor allowances. The most recent review approved an adjustment factor of 2.5% and became effective on 1 December 2015.

Currently, allowances for Category 2 Councils (which includes Greater Shepparton City Council) range between \$10,033 and \$24,127 per annum with Mayors being paid an allowance of up to \$74,655 per annum.

Greater Shepparton City Council has traditionally paid the maximum allowance provided for under the Act. It is therefore recommended that councillors be paid an allowance of \$24,127 and that the Mayor be paid an allowance of \$74,655.

As the next review and incremental increase is likely to take place next month, it is proposed as part of this recommendation that any incremental increases resulting from the Ministers review automatically be applied to the Mayor and Councillors allowance.

4. CORPORATE SERVICES DIRECTORATE

4.4 Mayor and Councillor Allowances (continued)

Council Plan/Key Strategic Activity

There are no direct links to the Council Plan / Key Strategic Activities.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Councillor allowances not paid in accordance with the Act.	C	3	Moderate	Setting of the Councillor allowance by resolution ensures that allowances are paid in accordance with the Act and updated as a result of any reviews conducted by the Minister.

Policy Considerations

There are no policy considerations arising from the payment of a Councillor Allowance. However Councillors will also be able to claim expenses incurred in the course of performing their councillor duties and these will be paid in accordance with the Councillor Expenses and Entitlements Policy.

Financial Implications

Council's 2016/17 Budget contains provision for the payment of Councillor and Mayoral allowances.

Legal/Statutory Implications

Section 74(1) of the Act requires that Councils must review and determine the level of Mayoral and Councillor allowances within the period of six months after a general election or by next 30 June, whichever is later.

This report ensures Council is meeting this legislative requirement well within the allowable timeframe.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts arising from this proposal.

Social Implications

There are no social implications arising from this proposal.

Economic Impacts

There are no economic impacts arising from this proposal.

Consultation

Officers believe that appropriate consultation has occurred with Councillors and the matter is now ready for Council consideration.

4. CORPORATE SERVICES DIRECTORATE

4.4 Mayor and Councillor Allowances (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the *Greater Shepparton 2030 Strategy*.

b) Other strategic links

There are no other strategic links.

Conclusion

Greater Shepparton City Council has traditionally paid the maximum allowance provided for under the Act.

It is recommended that Councillors continue to receive the maximum amount allowed, and that annual increases to allowances be applied automatically once authorised by the Minister for Local Government.

Attachments

Nil

THE MEETING CLOSED AT 5.40PM