

AGENDA

FOR THE
GREATER SHEPPARTON CITY COUNCIL

SPECIAL COUNCIL MEETING

TO BE HELD ON
TUESDAY 29 OCTOBER, 2019
AT 5.30PM

IN THE COUNCIL BOARDROOM

COUNCILLORS:

Cr Kim O'Keeffe
Cr Shelley Sutton
Cr Seema Abdullah
Cr Dinny Adem
Cr Bruce Giovanetti
Cr Chris Hazelman OAM
Cr Les Oroszvary
Cr Dennis Patterson
Cr Fern Summer

VISION

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

**A G E N D A
FOR THE
SPECIAL COUNCIL MEETING
TO BE HELD ON
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**CHAIR
CHIEF EXECUTIVE OFFICER**

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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 (1) | Minor (2) | Moderate (3) | Major (4) | Extreme (5) |
| Almost Certain (5) Would be expected to occur in most circumstances (daily/weekly) | LOW | MEDIUM | HIGH | EXTREME | EXTREME |
| Likely (4) Could probably occur in most circumstances (i.e. Monthly) | LOW | MEDIUM | MEDIUM | HIGH | EXTREME |
| Possible (3) Reasonable probability that it could occur (i.e. over 12 months) | LOW | LOW | MEDIUM | HIGH | HIGH |
| Unlikely (2) It is not expected to occur (i.e. 2-5 years) | LOW | LOW | LOW | MEDIUM | HIGH |
| Rare (1) May occur only in exceptional circumstances (i.e. within 10 years) | LOW | LOW | LOW | MEDIUM | HIGH |

- Extreme** Intolerable – Immediate action is required to mitigate this risk to an acceptable level. Event/Project/Activity is not to proceed without authorisation
- High** Intolerable – Attention is needed to treat risk.
- Medium** Variable – May be willing to accept the risk in conjunction with monitoring and controls
- Low** Tolerable – Managed by routine procedures

PRESENT:

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. PRIVACY NOTICE

This public meeting is being streamed live via our Facebook page and made available for public access on our website along with the official Minutes of this meeting.

All care is taken to maintain your privacy; however as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public. It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes

3. APOLOGIES

4. 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.

5. CORPORATE SERVICES DIRECTORATE

5.1 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 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.

RECOMMENDATION

That the Mayoral position description be adopted.

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.

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

5. CORPORATE SERVICES DIRECTORATE

5.1 Mayoral Position Description (continued)

Council Plan/Key Strategic Activity

This proposal supports Objective 1.3 of the *Council Plan 2017-2021*: “*Council demonstrates strong leadership and sound decision making in the best interest of the community.*”

Risk Management

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|---|------------|-------------|----------|---|
| Mayor not adhering to the position description | Unlikely | Major | Moderate | 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 | Unlikely | Minor | 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.

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

5. CORPORATE SERVICES DIRECTORATE

5.1 Mayoral Position Description (continued)

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 2019 [↓](#) Page 12

5. CORPORATE SERVICES DIRECTORATE

5.2 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.

RECOMMENDATION

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

The Chief Executive Officer will call for nominations to fill the position of Mayor.

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 a one year term, however, under section 71(2) of the Act Council may resolve to elect a Mayor for a term of two years.

The next General Election is scheduled for October 2020, and therefore, it is recommended a Councillor be elected as Mayor for a period of one year, concluding at 6.00am on election day, being Saturday 24 October 2020.

Council Plan/Key Strategic Activity

There are no direct links to the *Council Plan 2017-2021*.

Risk Management

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

Policy Considerations

This proposal does not conflict with existing Council policies.

5. CORPORATE SERVICES DIRECTORATE

5.2 Election of Mayor (continued)

Financial Implications

There are no financial implications arising from this proposal. Provision has been provided for the payment of a Mayoral Allowance in the 2019/2020 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 Council must appoint one of their members to serve as Mayor of Greater Shepparton.

Attachments

Nil

5. CORPORATE SERVICES DIRECTORATE

5.3 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.

RECOMMENDATION

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*.

The Mayor will call for nominations for a Councillor to fill the position of Deputy Mayor.

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.

In accordance with *Local Law No. 2 – Procedures for Council 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 2017-2021*.

5. CORPORATE SERVICES DIRECTORATE

5.3 Election of Deputy Mayor (continued)

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. | Unlikely | Minor | 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.

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