



MINUTES  
of the  
SPECIAL MEETING OF COUNCIL  
held on  
WEDNESDAY 29 OCTOBER 2014  
in the  
ALEXANDRA COUNCIL CHAMBERS  
commencing at  
6.00 pm

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The Chief Executive Officer will formally open the meeting.

**1. PRAYER, OATH & RECONCILIATION STATEMENT**

The meeting was opened with Prayer and reading of the Oath and Reconciliation Statement.

**2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

TRIM: SF/306

There were no apologies or requests for leave of absence tendered.

***Present:***

Crs M Rae, A Derwent, C Challen, J Kennedy, B Magner, C Ruhr, J Walsh

***In attendance:***

Chief Executive Officer: Margaret Abbey

General Manager Corporate and Community Services: Michael Chesworth

Acting General Manager Infrastructure and Development Services: John Canny

Manager Business Services: Andrew Bond

Manager Communications Library & Customer Service: Jacqui Rabel

Governance Officer: Kenneil Martin

**3. APPOINTMENT OF TEMPORARY CHAIRPERSON**

Under the provisions of the *Local Government Act 1989*, the Mayor of the municipality must take the chair of all meetings of the Council at which she or he is present. As the Mayoral position became vacant at 6.00am on 29 October 2014, the Chief Executive Officer will call for a motion for appointment of a temporary Chairperson.

***Recommendation:***

**That Councillor ..... be nominated as temporary Chairperson.**

Cr Kennedy nominated Cr Ruhr as temporary Chairperson

Cr Ruhr accepted the nomination.

**RESOLUTION:**

Cr J Kennedy / Cr C Challen

That Councillor Ruhr be appointed temporary Chairperson.

**CARRIED**

Cr Ruhr assumed the Chair.

#### **4. ELECTION OF MAYOR**

TRIM: SF/139

Section 71 of the *Local Government Act 1989* provides for the election of the Mayor after the fourth Saturday in October and no later than 30 November each year.

Before the election of the Mayor, Council may resolve to elect a Mayor for a term of 2 years.

The Acting Chairperson will call for nominations and if there is only one nomination received, then that Councillor is declared elected as Mayor.

In the event of there being more than one nomination, the Acting Chairperson will conduct an election. The election will be conducted in accordance with Council's Governance Local Law No.2, 2014 which incorporates its Code of Meeting Procedure.

The election is to be conducted by show of hands. Once declared, the elected Mayor will take the Chair and preside over the remainder of the meeting.

The process of election of the Mayor will take place in accordance with the provisions of s.14 of Council's *Governance Local Law No.2*, and legislative changes requiring election by open ballot.

On election of the Mayor, the Acting Chairperson vacates the Chair and the Mayor assumes the Chair.

***Recommendation:***

**That Councillor ..... be elected as Mayor of Murrindindi Shire Council for 2014 – 2015.**

Cr Kennedy nominated Cr Rae.

Cr Rae accepted the nomination.

**RESOLUTION:**

Cr J Kennedy / Cr A Derwent

That Councillor Rae be elected as Mayor of Murrindindi Shire Council for 2014 – 2015.

**CARRIED**

**Cr M Rae assumed the Chair.**

#### **5. ELECTION OF DEPUTY MAYOR**

TRIM: SF/139

The process of election of the Deputy Mayor will take place in accordance with the provisions of s.15 of Council's *Governance Local Law No.2 (incorporating Meeting Procedure)*.

***Recommendation:***

**That Councillor ..... be elected as Deputy Mayor of Murrindindi Shire Council for 2014 – 2015 (or 2014-2016).**

Cr Challen nominated Cr Kennedy.

Cr Kennedy accepted the nomination.

**RESOLUTION:**

Cr C Challen / Cr B Magner

That Councillor Cr Kennedy be elected as Deputy Mayor of Murrindindi Shire Council for 2014 – 2015.

**CARRIED**

**6. APPOINTMENT OF PORTFOLIO RESPONSIBILITIES**

TRIM: SF/139

(Refer Encl 6 Policy – Portfolio Councillor)

***Purpose:***

This report provides the opportunity for Council to appoint Councillors to portfolio roles for 2015.

***Recommendation:***

**That Council appoint the following portfolio roles for 2015:**

- **Land Use Planning –**
- **Economic Development –**
- **Corporate and Customer Services –**
- **Community Services –**
- **Natural Environment and Climate Change –**
- **Infrastructure and Waste –**

***Background:***

Council has in the past appointed Councillors to portfolio roles as a means of strengthening its governance arrangements and enhancing its consultation practices. It is appropriate for this Council, having considered its meeting structure to now proceed to consider the purpose and implementation of Councillor Portfolios.

***Council Plan/Strategies:***

The appointment of Councillors to portfolio roles is consistent with the Council Plan 2013-2017 Our Council to ensure that Council is exercising good governance principles.

***Legal/Policy Issues:***

Council is obliged under the *Local Government Act 1989* to review its practices and ensure that they are consistent with good governance principles (refer to current policy – *Enclosure 6*).

***Financial/Resources/Risk***

There are no financial implications to the appointment of Councillors to portfolio roles.

***Discussion:***

The appointment of Councillors to portfolio roles has the capacity to enhance Council's governance practices by enabling Councillors to have a greater understanding and input to

strategic and policy development on portfolio issues. In that regard, Councillors are able to advocate on strategic and policy issues to both the community and across government sectors.

It also enables Councillors to represent Council on local, regional or state bodies of relevance to the portfolio. In addition, where there is a relevant Council Committee, that Councillor is appointed as chair of that community, unless legislative provisions provide otherwise.

It is recognised that by undertaking a portfolio role, the organisation has an important function in supporting that Portfolio Councillor through regular briefings and the provision of memberships, publications, training and/or conference attendance where appropriate.

**Consultation:**

The appointment of Councillors to portfolio roles has the capacity to enhance Council's consultation and engagement with key community organisations, other government agencies and the local government sector.

**Conclusion:**

It is appropriate for a new Council to review its governance practices and ensure that they are consistent with the principles of Good Governance. The appointment of Councillors to portfolio roles is one opportunity to enhance both its governance and its consultation activities.

**RESOLUTION:**

Cr C Ruhr / Cr J Walsh

That Council appoint the following portfolio roles for 2015:

- Land Use Planning – Cr J Walsh
- Economic Development – Cr C Challen
- Corporate and Customer Services – Cr B Magner
- Community Services – Cr J Kennedy
- Natural Environment and Climate Change – Cr A Derwent
- Infrastructure and Waste – Cr C Ruhr

**CARRIED**

**7. ADVISORY COMMITTEE AND OTHER APPOINTMENTS**

TRIM No: SF/139

*(Refer Encl 7 – Councillor Representative List)*

**Purpose:**

This report has been prepared to enable Council to make the appointment of Councillors as delegates to various internal committees and external bodies in compliance with *the Local Government Act*.

**Recommendation:**

**That the Councillors be appointed as Council's representatives to the listed committees and organisations for 2014 / 2015 as contained within *Enclosure 7* to this report.**

**Background:**

Council each year appoints a number of Councillors or staff as its formal delegate representative to a range of internal and external bodies. Most appointments are for a one-year term, but some others it may be for a longer period of time. Therefore, it is now appropriate for Councillors to consider the appointment of delegates for 2015.

Advisory Committees consist of community members, Council officers and Councillors. They provide advice on a range of issues including: projects, planning, policy, resource planning, disability and community access, community amenity and many other strategic community issues. These Committees have no other authority or purpose other than to give information or advice to Council to assist it in its ultimate decision-making role. An example of an Advisory Committee is Council's Audit Committee which has been established in accordance with the requirements of Section 139 of the *Local Government Act 1989*.

Under the *Local Government Act 1989*, (Section 86) in addition to any Advisory Committees that the Council may establish, the Council may establish one or more special committees made up of any combination of Councillors; Council staff and other people. Council has established a range of such committees which provide the day to day management of local sites and facilities. Instruments of Delegations and a 'model' Charter along with the composition of representatives on these Committees have been previously adopted by Council.

In addition, Councillors are often requested/required to represent Council (as delegate) via participation on Committees formed by other organisations and these are subject to formal Council approval processes. These range from state-wide Committees, such as Timber Towns Victoria through to regional or sub-regional committees that support a particular program or activity.

**Council Plan/Strategies:**

This report is consistent with the Council Plan 2013-2017 Our Council to ensure that Council is exercising good governance principles.

Appointments to Committees promotes:

- fiscally responsible practices (eg as in the Audit Committee);
- employment growth and business opportunities (eg CRLLEN);
- environmentally sustainable practices such as recycling (eg the Goulburn Valley Regional Waste Management Authority) and
- access to transport (eg the Linking Murrindindi Partnership);

**Legal/Policy Issues:**

Councillor appointments to external associations, bodies and committees are to be made through Council resolution at an Ordinary meeting. Participation in some organisations means that Council fulfils its obligations under various agreements with these bodies.

**Financial/Resources/Risk**

There are no financial or budget implications associated with this report. However, Council does pay a membership fee to local government peak bodies such as the Municipal Association of Victoria and the Victorian Local Governance Association.

**Discussion:**

Council needs to determine each year which Committees it wishes to have Councillors representation on in order to progress its objectives of both community engagement and good governance.

It is a standard practice for local government to have representation on a diverse representation of Committees which reflects the diversity of the roles and responsibilities of local government. As such, some external bodies have already sought advice regarding Councillor participation on their Committees.

Attached to this report is the list of Committees for which appointments need to be considered. The list has been divided into those which are Council Committees and those external bodies with which Council has a relationship. A key part of Council's activities, being the management of facilities and recreational areas is supported by Committees of Management which are appointed under Section 86 of the Local Government Act. To facilitate their operation and to support their governance arrangements Council has adopted a 'model' Charter, Instruments of Delegation as well as the review of the composition of these Committees. As these Committees have conducted their Annual General Meetings and reviewed their individual requirements, these have been reported to Council to enable Council to adopt these revised membership requirements. Council will continue to receive regular reports on these Committees. The Local Government Act places particular requirements in relation to these Committees including the need to keep minutes of all meetings, have them confirmed at the following meeting and then provided to Council. In addition, Council is also required to review its delegations to these Committees within 12 months of the general election.

As these Committees are commonly comprised of volunteers, some find these legislative requirements onerous. Therefore, over time it is opportune for Council to consider which Committees are functioning actively and those where their purpose has been fulfilled and there is no longer a need for that Committee.

The final group of Committees is where Council has a relationship with State Government departments in relation to either joint use agreements or it has a broad interest in the management of their land for the greater community good.

***Consultation:***

The appointment of Councillors to various Committees facilitates Council's engagement both across the local government sector and with local community organisations. The attendance of Councillors at Committee meetings is viewed as a means of promoting liaison between the Committee and Council, with a view to facilitating good communications and to ensure that good governance practices are being observed.

***Conclusion:***

Appointment of Councillor representatives to committees provides an opportunity for open and responsive communication between Councillors and local community groups and local government organisations.

**RESOLUTION:**

Cr C Ruhr / Cr J Kennedy

That the Councillors be appointed as Council's representatives to the listed committees and organisations for 2014 / 2015 as contained within *Enclosure 7* to this report.

**CARRIED**



**8. APPOINTMENT OF TRUSTEES OF THE YEA CEMETERY TRUST**

TRIM: SF/139, SF/599

The Yea Cemetery is located in the township of Yea and is administered by all Councillors as Trustees of the Yea Cemetery Trust.

At the Special meeting held on 31 October 2012 meetings of the Yea Cemetery Trust were rescheduled to be held on Wednesdays. The next meeting of the Yea Cemetery Trust is scheduled for 3.00pm on Wednesday 3 December 2014 in the Alexandra Chambers. Good governance requires that Council appoints new Trustees to the Yea Cemetery Trust prior to that meeting.

***Recommendation:***

**That the Councillors be appointed as Trustees of the Yea Cemetery Trust.**

**RESOLUTION:**

Cr C Challen / Cr J Walsh

That the Councillors be appointed as Trustees of the Yea Cemetery Trust.

**CARRIED****9. COUNCIL MEETING TIMETABLE FOR 2015**

TRIM: SF/286

***Purpose:***

This report sets out the monthly timetable of Council meetings for the next twelve months from January to December 2015.

***Recommendation:***

**That the proposed schedule, as included in this report, be confirmed and the necessary advertising take place to inform the community of the meeting timetable.**

***Background:***

Following the Council election on 27 October 2012, discussions indicated a preference to hold meetings on Wednesday evenings commencing at 6.00pm.

At the Ordinary meeting 26 November on 2012, Councillors changed the Council meetings from Wednesday mornings to Wednesday evenings commencing at 6.00pm to increase community participation in Council meetings.

The following meeting schedule is proposed for 2015:

<b>Meeting Date</b>	<b>Venue</b>	<b>Time</b>
Wednesday 28 January 2015	Alexandra Chambers	6.00 pm
Wednesday 25 February 2015	Alexandra Chambers	6.00 pm
Wednesday 25 March 2015	<b>Yea Chambers</b>	6.00 pm
Wednesday 22 April 2015	Alexandra Chambers	6.00 pm

<b>Meeting Date</b>	<b>Venue</b>	<b>Time</b>
Wednesday 27 May 2015	<b>Taggerty Hall</b>	6.00 pm
Wednesday 24 June 2015	Alexandra Chambers	6.00 pm
Wednesday 22 July 2015	Alexandra Chambers	6.00 pm
Wednesday 26 August 2015	Alexandra Chambers	6.00 pm
Wednesday 23 September 2015	<b>Yarck Community Hall</b>	6.00 pm
Wednesday 28 October 2015 <b>Special meeting</b> followed by <b>Ordinary meeting</b>	Alexandra Chambers	6.00 pm 7.00 pm
Wednesday 25 November 2015	<b>Kinglake Ranges Mens Shed</b>	6.00 pm
Wednesday 16 December 2015	Alexandra Chambers	6.00 pm

**Council Plan/Strategies:**

The consideration of the Council meeting timetable for 2015 is consistent with the objectives of the Council Plan 2013-2017 which include under the Goal – Our Community to ‘actively engage with our communities to increase participation and community input.’

**Legal/Policy Issues:**

Governance Local Law No. 2 does not specify a set day of the week for meetings, however clause 38(1) would need to be amended as it provides that ‘A Council Meeting must not continue after 3.00 pm unless a majority of Councillors present at the Meeting votes in favour of its continuance.’

**Financial/Resources/Risk**

As meetings are currently held in the evening, there would be limited financial implications for Council with some officers being eligible for overtime or time-in-lieu for any evening meetings attended by them. Most officers who attend Council meetings are senior officers for which this is not applicable.

**Discussion:**

The meeting timetable above is based on Ordinary meetings of Council being scheduled on the fourth Wednesday of every month, with the date of a special meeting be moved to the fifth Wednesday of October as per Governance Local Law 2.

The arrangements for the meeting cycle will be as follows:

- Meetings will occur monthly on the fourth Wednesday unless otherwise notified.
- Commencement time of Ordinary Council Meetings is 6.00 pm.
- Unless otherwise notified, meetings are held at the Council Chambers, Perkins Street, Alexandra.

In determining the Council meeting timetable there are two matters that require further consideration. These are discussed as follows.

1. Meeting day for the Ordinary Meeting of Council

Should Councillors determine that it is preferable for the Ordinary Meetings to continue to be held in the evening, it is appropriate for Councillors to identify the most convenient day for these meetings. It is not unusual for Councils to change their meeting days to reflect any pre-commitments which Councillors may have.

A check of public holidays for 2015 has identified that there are no public holidays falling on the fourth Wednesday of the month.

## 2. Special Council meeting

A Special Council meeting is held each year to elect a new Mayor, review Council committee representations, Councillor Allowances and determine the meeting schedule for the following year.

It is preferable for this meeting to be held after the anniversary date (27 October) so both an Ordinary and Special Council meeting have been scheduled for October 2015.

### ***Consultation:***

Once Council has determined the preferred meeting schedule, it will be advertised in the local press to advise the community of the change in arrangements.

### ***Conclusion:***

A review of the Council meeting timetable provides the opportunity for Councillors to consider how increased community participating in Council meetings can be encouraged. By conducting the Council meetings in the evening, greater community participation may be encouraged.

### **RESOLUTION:**

Cr J Walsh / Cr J Kennedy

That the schedule, as included in this report, be confirmed and the necessary advertising take place to inform the community of the meeting timetable.

**CARRIED**

**The CEO presented the Mayor of a small gift in appreciation of her term as Mayor over the past year and conveyed her good wishes for the future.**

**There being no further items of Business, the Chairperson declared the meeting closed at 6.10 pm.**

**CONFIRMED THIS**

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**CHAIRPERSON**

\_\_\_\_\_