

STATUTORY MEETING MINUTES - 22 NOVEMBER 2022

Vision:

Indigo Shire - leading sustainable growth, community and cultural diversity, and climate action.

HELD: Tuesday, 22 November 2022 at 6.30pm

LOCATION: Council Chambers, 2 Kurrajong Way, Beechworth, and livestreamed on Council's website

REQUIRED TO ATTEND:

Councillors:
Peter Croucher
Bernard Gaffney
Larry Goldsworthy
Roberta Horne
Sophie Price
Diane Shephard
Emmerick Teissl

Senior Management/Officers:

Ian Ellett	Acting Chief Executive Officer
Greg Pinkerton	Director Planning and Corporate Services
Melinda Collis	Acting Director Community and Economic Development
Ewen Oldmeadow	Acting Director Infrastructure Services
Carla Hanlon	Executive Manager People & Governance

APOLOGIES: Trevor Ierino Chief Executive Officer

These Minutes were confirmed at the Council meeting held on 29 November 2022.



Cr Sophie Price
Mayor

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Council meetings are live streamed and recorded. The voices and images of those participating in the meeting, and in the gallery, may be captured as part of this recording.

Acknowledgement of Country

Indigo Shire Council acknowledges the original custodians of these lands. The people of the rivers and the hills have walked these lands for thousands of years as well as today, and we pay respect to the elders of the past, present and emerging.

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1. WELCOME

Welcome to this meeting of Council. This meeting will be live streamed and recorded, and the voices and images of those participating in the meeting, and in the gallery, may be captured as part of this recording.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

We acknowledge the original custodians of these lands. The people of the rivers and the hills have walked these lands for thousands of years as well as today, and we pay respect to the elders of the past, present and emerging.

As Councillors we have all taken an oath to carry out our duties in the best interests of the people of Indigo Shire and to do this in a fair and impartial manner. We are all committed to exercising the Council's powers and functions to the best of our skills and judgment.

3. APOLOGIES AND LEAVE OF ABSENCE

Trevor Ierino, Chief Executive Officer

4. DECLARATION OF CONFLICT OF INTEREST

Sections 126 to 131 of the *Local Government Act 2020* (the Act) define the specific circumstances that lead to a conflict of interest and describe what Councillors and Council Officers must do if they believe there is a conflict.

In relation to this particular meeting it is important to note that under the *Local Government (Governance and Integrity) Regulations 2020*, regulation 7(1) expressly excludes the following situations that are taken to **not have** a conflict of interest:

- a. the nomination or appointment by the Council of a Councillor to a position for which the Councillor will not be remunerated
- ...
- d. the nomination of a Councillor for election to the office of Mayor or Deputy Mayor
- e. the election of a Councillor to the office of Mayor or Deputy Mayor under section 25 or 27 of the Act
- f. the appointment of a Councillor to the office of Acting Mayor under section 20B of the Act.
- g. the payment of allowances to the Mayor, Deputy Mayor or Councillors as provided for under section 39(6) of the Act
- ...
- q. a resolution by the Council that has the effect of making the Councillors eligible or ineligible for the superannuation guarantee under any taxation legislation.

5. ELECTIONS

5.1 MEETING PROCEDURE

File No: 2022/832

Carla Hanlon - Executive Manager People & Governance

Executive Management

For Information

INTRODUCTION

The purpose of this report is to outline the procedure used at the annual Statutory Meeting.

BACKGROUND

The procedure for this meeting is set by Governance Rules, with additional requirements of the *Local Government Act 2020*.

The Governance Rule 11(a) describes the activities to take place at the annual Statutory Meeting:

- i. Determination of the Mayoral Term as one or two years;
- ii. Election of Mayor;
- iii. Election of Deputy Mayor;
- iv. Councillor appointments to external organisations and internal committees;
- v. The adoption of the annual meeting schedule, including the next Statutory Meeting;
- vi. Any other administrative items relating to the operation of the Council for the following year;
- vii. Any other items required by the Act.

PROCEDURE

Section 25(3)(a) of the Act requires that the election of the Mayor **must** be chaired by the Chief Executive Officer (CEO). Governance Rule 12 states that the CEO will chair the Statutory Meeting for the purposes of setting the Mayoral term and electing the Mayor. Therefore, the chairing of the meeting will occur as follows:

1. Current Mayor will open the meeting and will chair for the first item (5.1 Meeting Procedure);
2. At this point, the CEO will become the temporary chair, and will oversee proceedings for the next two items (5.2 Setting the Mayoral Term and 5.3 Election of Mayor);
3. Once elected, the Mayor will assume the position of Chair for the duration of the meeting.

The CEO, as temporary chairperson, will perform any meeting preliminaries that may be appropriate, and has the usual administrative rights and responsibilities of the chairperson.

It is customary at Indigo Shire Council for temporary chairperson to invite the outgoing Mayor to speak about their time as Mayor. Following this, the temporary chairperson will move to the item Election of the Mayor.

CONCLUSION

The procedure outlined in this report is used at the Statutory Meeting.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24 the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Carla Hanlon – Executive Manager People and Governance
- Jane Still – Former Senior Governance Advisor

Attachments

Nil

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5.2 SETTING THE MAYORAL TERM

File No: 2022/833

Trevor Ierino – Chief Executive Officer

Executive Management

For Decision

The Mayor vacated the chair in accordance with the Governance Rules and the Acting CEO took the chair.

It is noted that outgoing Mayor Cr Bernard Gaffney reflected on his time as Mayor.

RECOMMENDATION

That the Mayoral term be set at [one or two] years

RESOLUTION

That the Mayoral term be set at two years.

Moved: Cr Shephard

Seconded: Cr Croucher

For: Crs Peter Croucher, Bernard Gaffney, Roberta Horne, Sophie Price and Diane Shephard

Against: Crs Larry Goldsworthy and Emmerick Teissl

Carried

PURPOSE OF REPORT

The purpose of this report is to present to Council the relevant information, legislation and process to allow for a determination of a Mayoral term.

BACKGROUND

The setting of the Mayoral term is an important decision which will influence the way Council operates.

Section 26(3) of the *Local Government Act 2020* (the Act) requires that, before the election of a Mayor, a Council must resolve whether the Mayor is to be elected for a one year or a two year term.

DISCUSSION

Council determined at its Statutory Meeting on 21 November 2021 that the Mayoral term be set at one year.

The determination of the Mayoral term must precede the election of the Mayor. Whether a one or two-year term is determined, the next election of Mayor must be held as close to the end of that term as is reasonably practicable. Therefore the next decision of the Mayoral term will precede the next election of the Mayor (one or two years).

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Options

The Act requires that prior to the election of Mayor, it must determine a Mayoral term. The options available to the Council are around the duration of the term of one or two years.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The process detailed and the recommended action are compliant with the Act.

SOCIAL/COMMUNITY IMPLICATIONS

The choice of a one or two-year term is unlikely to have any significant community or social impact.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications of the decision.

FINANCIAL IMPLICATIONS

The Mayoral allowance is met from the existing budget.

LEGISLATIVE IMPLICATIONS

- Section 26(3) of the *Local Government Act 2020* requires the Council to determine by resolution whether the Mayor is to be elected for a one year or a two-year term.
- The Governance Rule (13) *Setting Mayoral term* states “the election of the Mayor will be for a period of either one or two years as determined by Council resolution, except in the final year of a Council term when the Mayor can only be elected up to the end of that Council term.”

RISK & OPPORTUNITY MANAGEMENT

This is a standard statutory function of the Council with minimal risk mitigated by adhering to the requirements of the Act.

COMMUNITY ENGAGEMENT

No community engagement was undertaken.

CONSULTATION/COMMUNICATION PROPOSED

This is a standard statutory function of the Council. Communication of the Mayoral term will be included in information about the election of the Mayor.

CONCLUSION

Council is required by the *Local Government Act 2020* and the Governance Rules to determine a Mayoral term of one or two years.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24 the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Carla Hanlon – Executive Manager People and Governance
- Jane Still – Former Senior Governance Advisor

Attachments

Nil

5.3 ELECTION OF MAYOR

File No: 2022/834

Trevor Ierino - Chief Executive Officer

Executive Management

For Decision

RECOMMENDATION

That Council elect Councillor _____ as Mayor of Indigo Shire Council for a term of [as resolved in the previous item].

Nominations received:

- **Cr Sophie Price**
Moved: Cr Gaffney
Seconded: Cr Shepherd

The Acting CEO called for votes for the nominated candidate in accordance with the Governance Rules.

Cr Price received seven votes: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Cr Price received an absolute majority and was therefore duly elected Mayor of Indigo Shire for a term of two years.

The Acting CEO vacated the chair in accordance with the Governance Rules and the elected Mayor took the chair.

Cr Price thanked the outgoing Mayor, Cr Gaffney, and the Councillors for their vote of confidence and addressed the meeting on being elected as Mayor.

PURPOSE OF REPORT

The report outlines the process and legislative requirements for the election of the Mayor.

BACKGROUND

The *Local Government Act 2020* (the Act) requires Councils to elect a Councillor to be the Mayor of the Council at a meeting that is open to the public, as close to the end of the previous term as is reasonably practicable.

Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.

The election of the Mayor is one of the critical decisions that Council makes at the Statutory Meeting.

The Mayor is the most visible and high-profile Councillor and the person viewed as responsible for the performance of the Council. The Mayor has all the responsibilities of a Councillors plus additional roles prescribed in the Act.

The Mayor will take the Chair of this meeting following his or her election.

DISCUSSION

The Mayor is required to chair Council meetings, be the principal spokesperson for council and attend civic events on behalf of Council. Provisions in the Act require the Mayor to:

- Lead engagement with the municipal community on the development of the Council Plan
- Report to the municipal community, at least once each year, on the implementation of the Council Plan
- Promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct, and assist Councillors to understand their role
- Take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer
- Provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings.

The Mayor has specific power to:

- Appoint a Councillor to be the chair of a delegated committee; and
- Subject to any procedures or limitations specified in the Governance Rules, direct a Councillor, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business; and
- Require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

The election of the Mayor must be conducted in accordance with the Governance Rules.

The procedure to elect the Mayor under Governance Rule 14 is as follows:

- a. The Temporary Chairperson (CEO) must invite nominations for the office of Mayor.
- b. A nomination that is not seconded will lapse and the Councillor nominated will not proceed to the Mayoral vote.
- c. If there is only one nomination, that nomination must still go to a vote and receive an Absolute Majority of the votes to be declared successful.
- d. Nominated Councillors may address the Statutory Meeting for up to five minutes on their candidacy. Nominated Councillors will be called in alphabetical order by surname.
- e. Councillors present may only vote for one of the nominated Councillors, with nominated Councillors being put to the vote in alphabetical order by surname.
- f. In the event of a nominated Councillor receiving an Absolute Majority of the votes that nominated Councillor is declared elected as Mayor for the term as previously decided by Council.
- g. If no nominated Councillor receives an Absolute Majority of the votes –
 - i. the nominated Councillor with the fewest votes is eliminated.

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- ii. if more than two nominated Councillors are tied for the lowest number of votes, one nominated Councillor will be eliminated by the drawing of a Lot in accordance with rule (15).
- iii. The process of voting and elimination of nominated Councillors is repeated until:
 - a. one nominated Councillor receives an Absolute Majority of the votes, and is therefore declared elected as Mayor for the term as previously decided by Council; or
 - b. there are only two nominated Councillors remaining having an equal number of votes.
 - i. Where two candidates have been nominated and no candidate receives an absolute majority of the Councillors of the Council, a second vote will be conducted.
 - ii. where, after a second vote, where two candidates have been nominated and no candidate receives an absolute majority of Councillors of the Council the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held no later than two weeks from the Statutory Meeting.

Governance Rule (15) - Elimination by lot

If required in accordance with rule (14)(g)(ii), the CEO shall conduct the Lot and the following procedure shall apply – 1

- a. One piece of paper (known as a lot) will be placed in a container for each nominated Councillor.
- b. The word “Unsuccessful” shall be written on one piece of paper and the word “Successful” on the others.
- c. The order of drawing lots will be determined by the alphabetical order of the nominated Councillors’ surnames.
- d. Each nominated Councillor participating in the Lot will draw one lot. (e) The nominated Councillor who draws the paper with the word “Unsuccessful” written on will be eliminated by the Lot.

If an absolute majority of the Councillors to elect a Mayor cannot be obtained at the meeting, the Council may also resolve to conduct a new election at a later specified time and date. The Governance Rules set this date as no later than two weeks from the Statutory Meeting. An absolute majority is defined by the Act as the number of Councillors greater than half the total number of the Councillors.

After the election of the Mayor is determined, the Mayor will chair the Statutory Meeting from that point forward.

The Mayor must take the chair at all Scheduled and Additional Council Meetings at which they are present, unless precluded from doing so because of a conflict of interest.

Options

The election of a Mayor is required by the Act. Councillors may elect any Councillor who is willing to be nominated and is not subject to a prohibition under Section 167.

STRATEGIC CONTEXT

COUNCIL PLAN 2021– 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The recommended action and the Governance Rules under which the election will take place are compliant with the changes introduced by the *Local Government Act 2020*.

SOCIAL/COMMUNITY IMPLICATIONS

The Mayor is a symbol of democratic leadership to the community, Council and staff members. Creating stability within the elected council and ensuring effective and respectful communication between Councillors and the CEO are part of the Mayor's role. The election of the Mayor will have a direct impact on the quality of the relationship between the community and the Council, and community trust in local government.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

FINANCIAL IMPLICATIONS

Mayoral and Councillor allowances are met from the existing budget.

RISK MANAGEMENT

The process of electing a Mayor has some low-level procedural risks that are mitigated by Council's adherence to the relevant process set out in Governance Rules 14 and 15 and detailed in this report.

LEGISLATIVE IMPLICATIONS

The *Local Government Act 2020* requires Council to elect a Councillor to the role of Mayor no later than one month following a general election 26(1)). The election of the Mayor be conducted in accordance with the Governance Rules (25(3)(b)).

CONCLUSION

This report presents the opportunity for the election of the Mayor for one or two years.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Carla Hanlon – Executive Manager People and Governance
- Jane Still – Former Senior Governance Advisor

Attachments

Nil

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5.4 DEPUTY MAYORAL TERM

File No: 2022/835

Trevor Ierino - Chief Executive Officer

Executive Management

For Decision

RECOMMENDATION

That Council:

1. Resolves that the term of the current Deputy Mayor finishes at this Statutory Meeting;
2. Notes that under the Governance Rules the Deputy Mayoral term is one year; and
3. Notes that the new election of the Deputy Mayor is to be conducted later in this Statutory Meeting.

RESOLUTION

That Council:

1. Resolves that the term of the current Deputy Mayor finishes at this Statutory Meeting;
2. Notes that under the Governance Rules the Deputy Mayoral term is one year; and
3. Notes that the new election of the Deputy Mayor is to be conducted later in this Statutory Meeting.

Moved: Cr Croucher

Seconded: Cr Teissl

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Emmerick Teissl, Sophie Price and Diane Shephard

Against: Nil

Carried

PURPOSE OF REPORT

The purpose of this report is to present to Council the relevant information, legislation and process to allow for a determination of a Deputy Mayoral term.

BACKGROUND

Council's Governance Rule (17) Election of the Deputy Mayor states:

- “(a) the Mayor shall Chair the Statutory Meeting for the election of the Deputy Mayor.
(b) the election of the Deputy Mayor shall use the same procedure as the election of the Mayor, except for the term of office, which will be one year.”

Section 27 of the *Local Government Act 2020* (the Act) requires that Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

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Section 26(3) requires that, before the election of a Mayor, a Council must resolve whether the Mayor is to be elected for a one year or a two-year term.

DISCUSSION

As with the legislative requirement for the election of Mayor, the determination of the Deputy Mayoral term must precede the election of the Deputy Mayor. The next election of Deputy Mayor must be held as close to the end of that term as is reasonably practicable. Therefore the decision of the Deputy Mayoral term will precede the election of the Deputy Mayor.

Council at its Statutory Meeting on 21 November 2021 set its Deputy Mayoral Term at two years. Although compliant with the Act, this is contrary to Council's Governance Rules which stipulate a one-year term only. This difference in the two documents should be noted for consideration at the next Governance Rules review.

It is recommended that the current Deputy Mayor term of one year be ceased at this statutory meeting, as this is one year after it was set, and a new election of the Deputy Mayor be conducted later in this meeting, and be set for one year, in compliance with the Governance Rules.

Options

The options available to the Council are:

- Set a Deputy Mayoral term of one year, to align with Council's Governance Rules. Governance Rule (17)(b) requires the term of office for the Deputy Mayor to be one year. At last year's Statutory Meeting, the term was set to two years, which is compliant with the *Local Government Act 2020*, however is contrary to Council's Governance Rules.
- Continue the current Deputy Mayoral term of two years, as set at last year's Statutory Meeting. This is not recommended, as although a two year term is provided for under the *Local Government Act 2020*, Council's Governance Rules provides for a one year term only. This is a difference between the two documents, which should be noted for consideration at the next Governance Rules review.
- Choose not to elect a Deputy Mayor, removing the need to set a term.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The process detailed and the recommended action are compliant with the Act.

SOCIAL/COMMUNITY IMPLICATIONS

Confirming the Deputy Mayoral term is unlikely to have any significant community or social impact.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

FINANCIAL IMPLICATIONS

There are no financial implications

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LEGISLATIVE IMPLICATIONS

Section 27 of the Act requires that Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

RISK & OPPORTUNITY MANAGEMENT

This is a standard statutory function of the Council with minimal risk mitigated by adhering to the requirements of the Act.

COMMUNITY ENGAGEMENT

No community engagement was undertaken.

CONSULTATION/COMMUNICATION PROPOSED

This is a standard statutory function of the Council. Communication of the Mayoral term will be included in information about the election of the Mayor.

CONCLUSION

Under the *Local Government Act 2020* Council may determine a Deputy Mayoral term of one or two years, however Council's Governance Rules require a one year term only.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24 the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Carla Hanlon – Executive Manager People and Governance
- Jane Still – Former Senior Governance Advisor
- Annabel Harding – Governance Officer

Attachments
Nil

5.5 ELECTION OF DEPUTY MAYOR

File No: 2022/836

Trevor Ierino - Chief Executive Officer

Executive Management

For Decision

RECOMMENDATION

That Council elect Councillor _____ as Deputy Mayor of Indigo Shire Council for a term of one year.

RESOLUTION

That Council elect Councillor Bernard Gaffney as Deputy Mayor of Indigo Shire Council for a term of one year.

Moved: Cr Croucher

Seconded: Cr Teissl

For: Crs Peter Croucher, Bernard Gaffney, Roberta Horne, Sophie Price, Emmerick Teissl and Diane Shephard

Against: Cr Larry Goldsworthy

Carried

PURPOSE OF REPORT

The report outlines the process and legislative requirements for the election of the Deputy Mayor.

BACKGROUND

The *Local Government Act 2020* (the Act) provides for Councils to elect a Deputy Mayor. The Governance Rules assume the election of a Deputy Mayor.

Council's Governance Rule (17) Election of the Deputy Mayor states:

- “(a) the Mayor shall Chair the Statutory Meeting for the election of the Deputy Mayor.
(b) the election of the Deputy Mayor shall use the same procedure as the election of the Mayor, except for the term of office, which will be one year.”

The election of the Deputy Mayor must be conducted in the same manner as the election of the Mayor, under Governance Rule 14, as below. An exception is that the Mayor chairs the meeting for this item and that the term of office is one year only. The title ‘Deputy Mayor’ is substituted for ‘Mayor’ in the procedure below:

- a. The Temporary Chairperson (CEO) must invite nominations for the office of Mayor.
- b. A nomination that is not seconded will lapse and the Councillor nominated will not proceed to the Mayoral vote.
- c. If there is only one nomination, that nomination must still go to a vote and receive an Absolute Majority of the votes to be declared successful.
- d. Nominated Councillors may address the Statutory Meeting for up to five minutes on their candidacy. Nominated Councillors will be called in alphabetical order by surname.

- e. Councillors present may only vote for one of the nominated Councillors, with nominated Councillors being put to the vote in alphabetical order by surname.
- f. In the event of a nominated Councillor receiving an Absolute Majority of the votes that nominated Councillor is declared elected as Mayor for the term as previously decided by Council.
- g. If no nominated Councillor receives an Absolute Majority of the votes –
 - i. the nominated Councillor with the fewest votes is eliminated.
 - ii. if more than two nominated Councillors are tied for the lowest number of votes, one nominated Councillor will be eliminated by the drawing of a Lot in accordance with rule (15).
 - iii. The process of voting and elimination of nominated Councillors is repeated until:
 - a. one nominated Councillor receives an Absolute Majority of the votes, and is therefore declared elected as Mayor for the term as previously decided by Council; or
 - b. there are only two nominated Councillors remaining having an equal number of votes.
 - i. Where two candidates have been nominated and no candidate receives an absolute majority of the Councillors of the Council, a second vote will be conducted.
 - ii. where, after a second vote, where two candidates have been nominated and no candidate receives an absolute majority of Councillors of the Council the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held no later than two weeks from the Statutory Meeting.

Governance Rule (15) - Elimination by lot

If required in accordance with rule (14)(g)(ii), the CEO shall conduct the Lot and the following procedure shall apply – 1

- a. One piece of paper (known as a lot) will be placed in a container for each nominated Councillor.
- b. The word “Unsuccessful” shall be written on one piece of paper and the word “Successful” on the others.
- c. The order of drawing lots will be determined by the alphabetical order of the nominated Councillors’ surnames.
- d. Each nominated Councillor participating in the Lot will draw one lot. (e) The nominated Councillor who draws the paper with the word “Unsuccessful” written on will be eliminated by the Lot.

If an absolute majority of the Councillors to elect a Deputy Mayor cannot be obtained at the meeting, the Council may also resolve to conduct a new election at a later specified time and date. The Governance Rules set this date as no later than two weeks from the Statutory Meeting. An absolute majority is defined by the Act as the number of Councillors greater than half the total number of the Councillors.

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At the last Statutory Meeting held in November 2021, Council resolved:

“That the Deputy Mayoral term be set at two years.”

This is at odds with Council’s Governance Rule 17(b), which states that:

“The election of the Deputy Mayor shall use the same procedure as the election of the Mayor, except for the term of office, which will be one year.”

The *Local Government Act 2020* enables Council to decide the length of the term for Deputy Mayor, for either one or two years. It also requires Council to undertake the election of Mayor and Deputy Mayor in accordance with its Governance Rules (section 25(3)(b)).

The process and eligibility requirements for electing the Deputy Mayor are the same as for electing the Mayor. A Councillor may not hold the office of Mayor and Deputy Mayor at the same time.

DISCUSSION

The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if:

- a. The Mayor is unable for any reason to attend a Council meeting or part of a Council meeting;
or
- b. The Mayor is incapable of performing the duties of the office for any reason, including illness;
or
- c. The office of the Mayor is vacant.

Options

The election of a Deputy Mayor is provided for in the Act and is assumed but not mandated in the Governance Rules. Council may choose not to elect a Deputy Mayor.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The recommended action and the Governance Rules under which the election will take place are compliant with the *Local Government Act 2020*.

SOCIAL/COMMUNITY IMPLICATIONS

The Mayor’s actions have a direct impact on the quality of the relationship between the community and the Council, and community trust in local government. The Deputy Mayor will act in the role of the Mayor as required, so the election of Deputy Mayor has the potential for a similar impact.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

FINANCIAL IMPLICATIONS

Mayoral and Councillor allowances are met from the existing budget.

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RISK MANAGEMENT

The process of electing a Deputy Mayor has some low-level procedural risks that are mitigated by Council's adherence to the relevant process set out in Governance Rule 17.

LEGISLATIVE IMPLICATIONS

The *Local Government Act 2020* provides for the Council to elect a Councillor to the role of Deputy Mayor (20A(1)). The election of the Deputy Mayor is to be conducted in accordance with the Governance Rules (17(a)).

The procedure for the election of Deputy Mayor is the same as for the election of the Mayor.

CONCLUSION

This report presents the opportunity to elect a Deputy Mayor in accordance with the *Local Government Act 2020* and Council's Governance Rules.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Carla Hanlon – Executive Manager People and Governance
- Jane Still – Former Senior Governance Advisor
- Annabel Harding – Governance Officer

Attachments
Nil

6. ANNUAL MEETING SCHEDULE

6.1 2023 COUNCIL MEETING SCHEDULE & ADMINISTRATION

File No: 2022/837

Trevor Ierino - Chief Executive Officer

Executive Management

For Decision

RECOMMENDATION

That Council:

1. Sets the following scheduled Council Meeting dates for 2023:
 - 28 February
 - 28 March
 - 18 April
 - 16 May
 - 27 June
 - 25 July
 - 29 August
 - 26 September
 - 31 October
 - 21 November (Statutory Meeting)
 - 28 November
 - 12 December; and
2. Determines to include the following meeting preliminaries in all Council meetings:
 - Notify gallery that the meeting will be live streamed and recorded.
 - Acknowledge the Traditional Custodians of the Land.
 - Reconfirmation of Councillor Oath; and
3. Determines that Councillors provide periodic reports to Council with the following content and frequency:
 - The Mayoral diary of appointments to be provided monthly.
 - Councillors to provide a written report on funded development activities or trips as determined by the Councillor in conjunction with the Mayor.

RESOLUTION

That Council:

1. Sets the following scheduled Council Meeting dates for 2023:
 - 28 February
 - 28 March
 - 18 April
 - 16 May
 - 27 June
 - 25 July
 - 29 August
 - 26 September
 - 31 October
 - 21 November (Statutory Meeting)
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 - 12 December; and
2. Determines to include the following meeting preliminaries in all Council meetings:
 - Notify gallery that the meeting will be live streamed and recorded.
 - Acknowledge the Traditional Custodians of the Land.
 - Reconfirmation of Councillor Oath; and
3. Determines that Councillors provide periodic reports to Council with the following content and frequency:
 - The Mayoral diary of appointments to be provided monthly.
 - Councillors to provide a written report on funded development activities or trips as determined by the Councillor in conjunction with the Mayor.

Moved: Cr Shephard

Seconded: Cr Teissl

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Emmerick Teissl and Diane Shephard

Against: Nil

Carried

INTRODUCTION

Council meets throughout the year in both scheduled and additional meetings. The calling of these meetings is governed by Council's Governance Rules.

In accordance with Governance Rule 6(a) this report presents a proposed meeting schedule for the 2022 calendar year.

STATUTORY MEETING MINUTES - 22 NOVEMBER 2022

KEY IMPLICATIONS

Council's Governance Rules allow for Council Meeting dates to be set at the annual Statutory Meeting. The scheduled Council Meetings customarily follow the existing protocol of being held on the last Tuesday of each month, commencing at 6:30pm.

Three exceptions to this 'last Tuesday of the month' rule have been:

1. No scheduled Council Meeting is held in January.
2. The May meeting is held two weeks earlier to allow for more time for public consultation on Council's Budget.
3. The last Tuesday in December falls in the Christmas shut down period so the meeting is held earlier in December.
4. Due to the last Tuesday in April 2023 falling on the ANZAC Day public holiday, and the need to hold the May meeting early (see 2 above), it is necessary to adjust this protocol to enable appropriate planning and production of business papers. Therefore, April Meeting is recommended to be held a week earlier than customary.

The occasional additional Council Meeting may be required for time-sensitive processes that do not coincide with a scheduled Council Meeting. As an example, the adoption of the annual report may be required outside of the standard meeting dates.

The proposed dates for scheduled Council Meetings for 2023 are:

- 28 February
- 28 March
- 18 April
- 16 May
- 27 June
- 25 July
- 29 August
- 26 September
- 31 October
- 21 November (Statutory Meeting)
- 28 November
- 12 December

The default venue for Council meetings is the Council Chamber in Beechworth, unless held entirely online, or as determined by the Mayor and Chief Executive Officer, to be held in an alternative location. When the location is to change, the CEO will ensure adequate notice is provided to the community.

MEETING ADMINISTRATION

In addition to the setting of the meeting schedule, the Governance Rules provide for the Council to determine the following administrative points:

1. Meeting preliminaries

2. Councillor Report requirements.

Meeting Preliminaries

Governance Rule 34 allows for meeting preliminaries as part of the “Welcome” section of the meeting agenda. This is not mandatory and Council is not obligated to perform any preliminary activities.

Councillor Reports

Governance Rule 43 specifies that Council Meetings may, if determined by Council resolution, require “Councillor Reports” in a format and content to be determined by Council. These reports allow for the publication and presentation by Councillors on their Council-related activities.

If Council determines that Councillor Reports are required, then it is appropriate at the Statutory meeting to pass a resolution that identifies the type of reports to be provided by Councillors, the content of those reports and the frequency of reporting.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The recommended action provides for regular Council Meetings to provide transparency around Council decisions.

RISK MANAGEMENT

Nil

FINANCIAL IMPLICATIONS

There are no financial implications.

LEGAL/COUNCIL PLAN/POLICY IMPACT

Nil.

CONCLUSION

Council is required to set the annual schedule of Council meetings and to decide on the meeting preliminaries and the Councillor reports required at these Council meetings.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 1989* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Jane Still – Former Senior Governance Advisor

Attachments

Nil

7. COUNCIL COMMITTEES APPOINTMENTS

7.1 APPOINTMENTS TO COUNCIL COMMITTEES AND EXTERNAL BODIES

File No: 2022/838

Carla Hanlon - Executive Manager People & Governance Executive Management

For Decision

RECOMMENDATION

That Council appoints Councillor representatives to the following external organisations and Council committees as detailed in Attachment 1.

Audit & Finance Committees

Audit and Risk Committee

Finance Committee

Advisory Committees

CEO Employment & Remuneration Advisory Committee

Indigo Community Access Committee

Indigo Cultural Heritage Advisory Committee

Indigo Environment Advisory Committee

IndiGrow

Indigo Shire Council Community Grants Awards Advisory Committee

Wahgunyah Rail Land Development Committee

External Committees

Alliance of Shires & Councils of the Upper Murray (ACSUM)

Atauro Island Friendship Committee Inc

Australian Local Government Women's Association Victorian Branch (ALGWA)

Goulburn Murray Climate Alliance

Hume Region Local Government Network (HRLGN)

Hume to Yarrawonga Waterway Management Advisory Group

Lake Hume Recreational Coordinating Committee

Municipal Association of Victoria (MAV)

Murray Arts

Murray Darling Association

Ovens & Murray Regional Assembly

Rural Councils Victoria (RCV)

Victorian State Police Local Safety Committee

RESOLUTION

That Council appoints Councillor representatives to the following external organisations and Council committees as below:

Audit & Finance Committees

Audit and Risk Committee – Cr Gaffney and Cr Price

Finance Committee – All Councillors

Advisory Committees

CEO Employment & Remuneration Advisory Committee – All Councillors

Indigo Community Access Committee – Cr Croucher and Cr Price

Indigo Cultural Heritage Advisory Committee – Cr Goldsworthy and Cr Shephard

Indigo Environment Advisory Committee – Cr Horne and Cr Teissl

IndiGrow – Cr Teissl, Cr Horne and Cr Shephard

Indigo Shire Council Community Grants Awards Advisory Committee – Cr Croucher and Cr Gaffney

Wahgunyah Rail Land Development Committee – Cr Gaffney and Cr Price

External Committees

Alliance of Shires & Councils of the Upper Murray (ACSUM) – Mayor and Deputy Mayor (sub)

Atauro Island Friendship Committee Inc – Cr Croucher

Australian Local Government Women's Association Victorian Branch (ALGWA) – All women Councillors (Crs Horne, Price and Shephard)

Goulburn Murray Climate Alliance – Cr Shephard and Cr Price (sub)

Hume Region Local Government Network (HRLGN) – Mayor and CEO (sub)

Hume to Yarrawonga Waterway Management Advisory Group – Cr Gaffney and Cr Croucher

Lake Hume Recreational Coordinating Committee – Cr Croucher and Cr Gaffney (sub)

Municipal Association of Victoria (MAV) – Mayor and Deputy Mayor (sub)

Murray Arts – Cr Shephard and Cr Croucher

Murray Darling Association – Cr Gaffney and Cr Price

Ovens & Murray Regional Assembly – Mayor and Deputy Mayor (sub)

Victorian State Police Local Safety Committee – Crs Gaffney, Croucher, Price and Teissl

Moved: Cr Teissl

Seconded: Cr Horne

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Emmerick Teissl and Diane Shephard

Against: Nil

Carried

STATUTORY MEETING MINUTES - 22 NOVEMBER 2022

PURPOSE OF REPORT

The purpose of this report is to formalise the appointments of councillor representatives to all external and internal committees for the following year. Each appointment allows the representative to vote on committee issues on behalf of Council (on committees where Councillors have voting rights).

BACKGROUND

One of the important functions that Councillors perform is to represent Council on all advisory committee and various industry groups and peak bodies. There is value in the two-way communication with these groups.

Each year at the Statutory Meeting Councillors elect representatives for the various Advisory Committees and external bodies.

DISCUSSION

Attachment 1 shows the committee details following the Statutory Meeting of 23 November 2021, and the number of Councillors required on each committee as specified by the relevant Terms of Reference (TOR) or Instrument of Delegation. Where committees do not have a requirement for a Councillor representative explicitly identified in their TOR, they have not been included in the attachment.

Changes from 2021

Advisory Committees

On 30 November 2021, Council adopted a new CEO Employment & Remuneration policy, including terms of operation of an associated advisory committee. This committee was named the CEO Employment & Remuneration Advisory Committee, and replaces the previous CEO Performance Review Committee. It requires the appointment of all Councillors.

At its 2021 Statutory Meeting, Council resolved to increase the number of Councillor representatives on the Indigo Shire Cultural Heritage Advisory Committees to three (up from two), to enhance the connection with Council. All positions were filled. In February 2022 a vacancy was created by the resignation of former Councillor Jenny O'Connor. This position remains vacant, so a third representative will be sought at this meeting. The number of Councillor representatives appointed to the other advisory committees remain the same as stated in the individual terms of reference documents.

The Wahgunyah Railway Land Development Committee is currently under review to determine the most appropriate governance model. The committee has discussed the options of remaining an advisory committee or becoming a Community Asset Committee, and a recommendation will be presented to a future Council. Until this time, this committee remains an advisory committee and requires the appointment of two Councillors.

External Committees

The North East Waste & Resource Recovery Group has been removed as it was disbanded in July 2022. It has been replaced with 'Recycling Victoria', a dedicated business unit within the Department of Environment, Land, Water and Planning (DELWP), and has distinct functions and powers, including regulating waste and recycling services. Recycling Victoria liaises directly with Council offices to provide updates and guidance on its programs, no Councillor representatives are required.

The Victorian State Police Local Safety Committee is a recently formed group, dedicated to improving community safety within Indigo Shire. It includes representatives from the Wodonga Police, various State Government organisations, the local community and Indigo Shire Council Councillors and staff. There are currently two Councillors that attend meetings, however there is no limit to the number of Councillors that may be appointed.

Roles and responsibilities – Councillors on Advisory Committees

Councillors are appointed to the role of Chair for each Advisory Committee to provide strong connection between Council and the Committee. Councillors are encouraged to consider the following functions of the Chair, as listed in the Advisory Committees' terms of reference:

- Development of agenda, in conjunction with the Responsible Council Officer and / or Secretary;
- Ratifying the meeting minutes prior to submission at Council meeting, including any recommendations for Council;
- Managing meeting processes, including
 - Supporting Committee members to manage conflicts of interest
 - Facilitating the Committee to design the wording of recommendations to be presented to Council
 - Ensuring discussion remains within agreed timeframes, on topic and all views of the committee are heard;
- Supporting the committee to work to the four year plan.

Community Asset Committees

Resulting from changes under the *Local Government Act 2020*, Community Asset Committees now operate under an Instrument of Sub-Delegation of CEO Powers. Accordingly, Community Asset Committees no longer require Councillor representation.

External Committees

In determining the respective appointees to the various external bodies and internal committees, Councillors are encouraged to consider the following good governance principles:

- The need to balance Councillors energies and time between policy development, financial oversight, strategic partnership, advocacy and liaison
- The spread of committee representation across Councillors, ensuring that where practicable the workload is shared.
- Provision for Councillors to broaden and learn new skills
- Length of time served on any one committee by an individual Councillor.

Options

The option of 'do nothing' for the other committees has been considered, however if no formal appointments were made by Council, this would reflect poor governance and would not promote the transparency to the community that is achieved by the appointment of councillor representatives in an open Council Meeting.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The act of appointing Councillor representatives promotes strong governance. It enables the regular change of Councillors on each committee, allowing a fresh approach to the committees' business, refreshes their skill –base, and assists with transparent decision-making.

SOCIAL/COMMUNITY IMPLICATIONS

Appointing Councillors to various Committees contributes to the objectives of good governance and community engagement. Through this action Council is ensuring community input, awareness and involvement in the initiatives and the direction of Council.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

FINANCIAL IMPLICATIONS

There are no financial impacts to Council. The costs for Councillors to attend committee meetings (travel expenses) are budgeted for in the current Councillor and Executive budget allocations.

LEGISLATIVE IMPLICATIONS

Section 53 of the *Local Government Act 2020* requires Council to establish an Audit and Risk Committee which must include members who are Councillors of the Council. The appointment of at least two Councillors satisfies this requirement.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
A Councillor is appointed to a committee that they have been representative on for a period of time, and the committee misses out on broadening its skill base.	Possible	Minor	Low	The risks of this have been identified in this report.
An appointment is not made / committee has been missed and the committee is unable to function appropriately.	Possible	Minor	Low	The relevant stakeholders have reviewed this list prior to adoption

STATUTORY MEETING MINUTES - 22 NOVEMBER 2022

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Too many or not enough Councillor representatives are appointed to any one committee which is then unable to function appropriately.	Possible	Minor	Low	The committee list indicates how many Councillors should be appointed for each committee.

In considering appointments to the committees, Councillors should take into account the governance principles above to mitigate risks. If the same Councillors continue with the same committees for multiple terms, then this circumvents good governance principles in that Committee members should be rotated over time to give other Councillors the opportunity to be involved in different committees as well as to allow the development of new skills.

COMMUNITY ENGAGEMENT

CONSULTATION/COMMUNICATION UNDERTAKEN

No consultation with the wider community was required for the development of this report. Internal consultation was conducted with relevant stakeholders including the executive team and managers.

CONSULTATION/COMMUNICATION PROPOSED

No future consultation is proposed.

CONCLUSION

Clarification of Councillor appointments is an important action that will enable Councillors to undertake their advocacy work in a coordinated and practical way. It will also provide a mechanism for direct feedback from the community to Council decision making processes.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report.

- Trevor Ierino – Chief Executive Officer
- Carla Hanlon - Executive Manager People and Governance
- Jane Still – Former Senior Governance Advisor
- Annabel Harding – Governance Officer

Attachments

1.  Councillor Representation – as at Statutory Meeting 23 November 2021

Meeting Concluded: 6.55pm

Next Meeting: Tuesday, 29 November 2022 at 6.30pm