

MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

SPECIAL COUNCIL MEETING

HELD ON
FRIDAY 9 NOVEMBER 2012
AT 1.00PM

IN THE COUNCIL BOARD ROOM
90 WELSFORD STREET

COUNCILLORS:

Cr Jenny Houlihan
Cr Milvan Muto
Cr Les Oroszvary
Cr Dennis Patterson
Cr Michael Polan
Cr Kevin Ryan
Cr Fern Summer

VISION

GREATER SHEPPARTON
AS THE FOOD BOWL OF AUSTRALIA,
A SUSTAINABLE, INNOVATIVE
AND DIVERSE COMMUNITY
GREATER FUTURE

M I N U T E S
FOR THE
SPECIAL COUNCIL MEETING
HELD ON
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CHAIR
GAVIN CATOR

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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 Jenny Houlihan, Milvan Muto, Les Oroszvary, Dennis Patterson, Michael Polan, Kevin Ryan and Fern Summer

OFFICERS: Gavin Cator – Chief Executive Officer
Peter Mangan – Acting Director Business
Dean Rochfort – Director Sustainable Development
Stephen O’Kane – Director Organisation
Steven Bowmaker – Director Infrastructure
Simon Rose – Acting Director Community
Fiona Sawyer – Official Minute Taker
Lyn Martin – Assistant Minute Taker

This meeting was originally scheduled for 1.00pm on Thursday 8 November 2012. However, due to extraordinary personal circumstances involving a Councillor a decision was made to put the meeting back by 24 hours. This decision was made with the consent of all Councillors. Due to the nature of the personal circumstances Council was unable to provide seven days public notice before the rescheduled meeting date.

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. MANAGEMENT REPORTS

FROM THE OFFICE OF THE CHIEF EXECUTIVE OFFICER

3.1 Allowances of Councillors and 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: Acting Committees Officer

Proof reader(s): Team Leader Governance, Manager Corporate Performance

Approved by: Director Organisation

Purpose

The purpose of this report is to set the yearly allowances payable to the Councillors and the Mayor from 27 October 2012.

Moved by Cr Polan

Seconded by Cr Summer

That in accordance with the provisions of section 74 of the *Local Government Act 1989*, the Council confirm the Councillor allowance of \$22,405 and the Mayoral allowance of \$69,325.

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 Jeanette Powell MP, has recently reviewed the limits and ranges of the current Mayoral and Councillor allowances, and has determined under section 73B of the Act that the allowances for Category 2 Councils (which includes Greater Shepparton City Council) be increased by 2.5% from 27 October 2012 to between \$9,317 and \$22,405 per annum with Mayors being paid an allowance of up to \$69,325 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 \$22,405 and that the Mayor be paid an allowance of \$69,325.

3. MANAGEMENT REPORTS

3.1 Allowances of Councillors and Mayor (continued)

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 correctly paid in accordance with the Act.

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 2012/13 Budget contains provision for the payment of Councillor and Mayoral allowances.

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue				
Expense	\$236,300			
Net Result				

* Amount shown in this column may equal one line item in budget or maybe a component of one budget line item.

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.

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.

3. MANAGEMENT REPORTS

3.1 Allowances of Councillors and Mayor (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.

Options for Consideration

Councillors could choose not to receive an allowance or to receive a smaller allowance provided the amount payable remains between \$9,317 and \$22,405 per annum.

Conclusion

As Greater Shepparton City Council has traditionally paid the maximum allowance provided for under the Act it is recommended that the Mayor and Councillors continue to receive the maximum amount allowed.

Attachments

Nil.

3. MANAGEMENT REPORTS

3.2 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: Acting Committees Officer

Proof reader(s): Team Leader Governance, Manager Corporate Performance

Approved by: Director Organisation

Purpose

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

Moved by Cr Oroszvary

Seconded by Cr Ryan

That the Mayor's position description dated 8 November 2012 be adopted.

CARRIED

Background

In previous years, a position description has been adopted for 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. The position description also outlines the Mayor's overall responsibilities, key responsibility areas, skills, knowledge, qualifications and experience.

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.

Council Plan/Key Strategic Activity

This proposal supports Objective 35 of the *Council Plan 2009-2013*: "Provide best practice management and administrative systems and structures to support the delivery of Council services and programs".

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 Council officers.
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.

3. MANAGEMENT REPORTS

3.2 Mayoral Position Description (continued)

Policy Considerations

There are no direct links to existing Council policies.

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.

Options for Consideration

Councillors could choose not to adopt an Mayoral position description or to adopt a modified version of the document.

Conclusion

As the position description outlines the Mayor's overall responsibilities, key responsibility areas, skills, knowledge, qualifications and experience and enables the Council and the community to assess the Mayor's performance, it is recommended that Council adopt the Mayoral position description.

Attachments

Mayoral Position Description

3. MANAGEMENT REPORTS

3.3 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: Acting Committees Officer

Proof reader(s): Team Leader Governance, Manager Corporate Performance

Approved by: Director Organisation

Purpose

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

Moved by Cr Polan

Seconded by Cr Houlihan

That the Council appoint a Councillor to the position of Mayor for a 1 year term.

CARRIED

Cr Summer nominated Cr Oroszvary

Cr Oroszvary declined the nomination.

Cr Patterson nominated Cr Houlihan

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

Cr Houlihan assumed the Chair.

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 2009-2013*.

3. MANAGEMENT REPORTS

3.3 Election of Mayor (continued)

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.

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 2012/13 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.

Options for Consideration

There are no other options for consideration as the *Local Government Act 1989* requires Council to appoint a Councillor to serve as Mayor of the Council.

Conclusion

That Councillors appoint one of their number to serve as Mayor of Greater Shepparton.

Attachments

Nil.

3. MANAGEMENT REPORTS

3.4 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: Acting Committees Officer

Proof reader(s): Team Leader Governance, Manager Corporate Performance

Approved by: Director Organisation

Purpose

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

Moved by Cr Polan

Seconded by Cr Summer

That the Council appoint a Deputy Mayor for the Mayoral Term, for the purpose of:

1. acting as the chair in the absence of the Mayor at Council meetings or where the Mayor is required to vacate the chair
2. receiving a pledge of commitment in accordance with subsection 27(5) if the *Australian Citizenship Act 2007*
3. to attend functions and act as Council spokesperson on such occasions as the Mayor is unavailable to do so.

CARRIED

Cr Ryan nominated Cr Oroszvary

There being no further nominations, the Chair declared Cr Oroszvary duly elected as Deputy Mayor of the 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.

3. MANAGEMENT REPORTS

3.4 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 2009-2013*.

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.

Options for Consideration

Councillors could decide not to appoint an Deputy Mayor.

3. MANAGEMENT REPORTS

3.4 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.

3. MANAGEMENT REPORTS

3.5 Rescheduling of Ordinary Council Meetings

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: Acting Committees Officer

Proof reader(s): Team Leader Governance, Manager Corporate Performance

Approved by: Director Organisation

Purpose

The purposes of this report is to recommend that future Ordinary Council meetings be held at 5.30pm on the third Tuesday of the month with one meeting each year being held in Mooroopna and one meeting each year being held in Tatura. It is also recommended that no Ordinary Council Meeting be conducted in January 2013.

RECOMMENDATION

That:

1. The start time for Ordinary Council Meetings to be held on the 3rd Tuesday of the month be changed from 1.00pm to 5.30pm commencing with the Ordinary Council Meeting scheduled for 20 November 2012
2. each year, commencing in 2013, the April Ordinary Council meeting will be held in Mooroopna and the September Ordinary Council meeting be held in Tatura
3. no Ordinary Council meeting be held during January 2013.

Moved by Cr Patterson

Seconded by Cr Ryan

That:

1. The start time for Ordinary Council Meetings to be held on the 3rd Tuesday of the month be changed from 1.00pm to 5.30pm commencing with the Ordinary Council Meeting scheduled for 20 November 2012
2. each year, commencing in 2013, the April Ordinary Council meeting will be held in Mooroopna and the October Ordinary Council meeting be held in Tatura
3. no Ordinary Council meeting be held during January 2013.

3. MANAGEMENT REPORTS

3.5 Rescheduling of Ordinary Council Meetings (continued)

**Amendment moved by Cr Polan
Seconded by Cr Summer**

That:

1. The start time for Ordinary Council Meetings to be held on the 3rd Tuesday of the month be changed from 1.00pm to 5.30pm commencing with the Ordinary Council Meeting scheduled for 20 November 2012
2. each year, commencing in 2013, the April Ordinary Council meeting will be held in Mooroopna and the October Ordinary Council meeting be held in Tatura
3. no Ordinary Council meeting be held during January 2013
4. a review be carried out at the March 2013 meeting.

The amendment was put and lost.

The original motion was put and carried.

Background

By resolution Ordinary Council meetings of the Greater Shepparton City Council are currently held in the Boardroom at 90 Welsford Street, Shepparton commencing at 1.00pm on the third Tuesday of every month. Following the election of a new Council it is recommended that these meetings be moved to 5.30pm on the third Tuesday of every month.

It is also proposed that each year, commencing in 2013, the April Council meeting be held in Mooroopna and the September Council Meeting be held in Tatura in order to facilitate greater involvement by the Mooroopna and Tatura communities.

Council Plan/Key Strategic Activity

This proposal supports objective 31 of the *Council Plan 2009-2013*: "Engage our community when making decisions".

Risk Management

A risk assessment has been undertaken in relation to the change of meeting time and a security firm will be employed to provide cover for the front reception area. A copy of this risk assessment is attached.

A further risk assessment will be undertaken in relation the proposed change of meeting location.

Policy Considerations

There are no conflicts with existing Council policies.

3. MANAGEMENT REPORTS

3.5 Rescheduling of Ordinary Council Meetings (continued)

Financial Implications

There will be financial implications arising from the decision to relocate Council Meetings to Mooroopna and Tatura. However these will need to be determined as Council Officers investigate what equipment will need to be provided in order to facilitate Council meetings at these venues.

The change of meeting time to 5.30pm should have limited financial implications as Council officers will be able to take Time in Lieu of the additional hours that they will be required to work outside of regular office hours.

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

The proposal to change the meeting venue and start time can have positive social implications as it may help to increase a sense of community. These changes have the potential to increase stakeholder participation by allowing community members who are generally unable to attend meetings during business hours in Shepparton to attend Council Meetings.

Both venues are wheelchair accessible, however one potential negative implication arising from the change of venue for Council Meeting arises from the fact that the Council Boardroom is currently set up with a project system and hearing loop which enables participation by people who are visually and/or hearing impaired. Investigations will need to be made to determine whether these facilities will be able to be provided at the Mooroopna hub and Ballantyne Centre.

Economic Impacts

There are no economic impacts for the Greater Shepparton community and businesses arising from this proposal.

Consultation

Councillors and relevant Council staff have been consulted in relation to the recommendations outlined in this report.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> Public Notices will be circulated in the Shepparton News advising of the time and venue of Council Meetings. Meeting times and venue details will be provided on Council's website.

3. MANAGEMENT REPORTS

3.5 Rescheduling of Ordinary Council Meetings (continued)

Consult	Informed, listen, acknowledge	<ul style="list-style-type: none"> • Council Meetings are open to members of the public • Members of the public have the opportunity to submit questions for answering during Question Time. • The holding of meetings in Mooroopna and Tatura will assist Mooroopna and Tatura residents to meet the attendance requirements if they wish to submit a question to Question Time.
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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

No other strategic links have been identified.

Options for Consideration

Councillors could choose to:

- leave the Ordinary Council meetings at 1.00pm on the third Tuesday of the Month in the Council Boardroom
- change only the time or venue of Ordinary Council meetings
- conduct Ordinary Council meetings in other locations not outlined in this report
- conduct an Ordinary Council Meeting in January 2013.

Conclusion

In order to encourage wider community attendance and participation at Council Meeting it is recommended that future Ordinary Council meetings are conducted at 5.30pm on the third Tuesday of each month (excluding January 2013) with once meeting being conducted at each of Mooroopna and Tatura each year.

Attachments

Nil.

**MEETING CLOSED: 1.27PM
CONFIRMED**

CHAIR