

AGENDA

FOR THE
GREATER SHEPPARTON CITY COUNCIL

SPECIAL (EMERGENCY) COUNCIL MEETING

TO BE HELD ON
TUESDAY 24 SEPTEMBER, 2013
AT 5.15PM

IN THE COUNCIL BOARD ROOM

COUNCILLORS:

Cr Jenny Houlihan (Mayor)
Cr Les Oroszvary (Deputy Mayor)
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

**A G E N D A
FOR THE
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TO BE HELD ON
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**CHAIR
TBC**

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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:

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

RECOMMENDATION

That an apology be received, and leave of absence granted to Cr Houlihan.

3. DECLARATIONS OF CONFLICT OF INTEREST

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a “conflict of interest” in a decision if they would receive, or could reasonably be perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

4. OFFICE OF THE CHIEF EXECUTIVE OFFICER

4.1 Appointment of an Acting Mayor

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

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

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Team Leader Governance

Proof reader(s): Manager Corporate Performance

Approved by: Manager Corporate Performance

Executive Summary

At the Ordinary Council meeting held on 20 August 2013, Council approved a Mayoral delegation to Toyoake City and Oshu City in Japan. On the 17 September 2013 at the Ordinary Council Meeting, Council approved a Mayoral delegation to Korce Albania.

RECOMMENDATION

That the Council appoint the Deputy Mayor as the Acting Mayor as per section 73(3) of the *Local Government Act 1989*, in the absence of the Mayor between the dates of 24 September 2013 to 1 October 2013, and 2 November 2013 to 12 November 2013 to perform any function or exercise any power conferred on the Mayor.

Background

A motion was carried at the Ordinary Council meeting held on 20 August 2013 to approve a Mayoral delegation to Toyoake City and Oshu City in Japan. This visit is to participate in the commemorative 10th Anniversary of the Toyoake - Greater Shepparton Friendship City relationship, and the 20th Anniversary of the Toyoake International Relations Association.

Council has another formal Sister City relationship in Japan with Oshu City. It would also be prudent that while the Mayor is in Japan, that she also participates in a formal delegation to Oshu City at the time.

It is expected that the Mayor will be absent on this delegation from 2 November 2013 to the 12 November 2013.

At the Ordinary Council meeting held on 18 September 2013 the Council approved a Mayoral delegation to Korce, Albania to attend a Sister City signing ceremony and publicly formalise the Sister City relationship.

It is expected that the Mayor will be absent on this delegation from 24 September 2013 to the 1 October 2013.

As the *Local Government Act 1989* does not formally recognise a Deputy Mayor, section 73(3) requires the appointment of an Acting Mayor in the absence of the Mayor.

4. OFFICE OF THE CHIEF EXECUTIVE OFFICER

4.1 Appointment of an Acting Mayor (continued)

Even though the Mayor will be working overseas in her capability of the Mayor, she will be absent and incapable to perform her duties here within the municipality. Appointing an Acting Mayor will then allow matters to continue to function in her absence.

In future years when electing a Deputy Mayor, the Council will also reference that the Deputy Mayor will “act in the absence of the Mayor”.

Council Plan/Key Strategic Activity

This item is a procedural matter and does not link directly to the goals within the Council plan.

Risk Management

The Act requires the appointment of an Acting Mayor in the Mayors absence or incapable to act and exercise and perform their functions of the Mayor. If an Acting Mayor is not appointed, there will be no one available to perform any function or exercise any power conferred on the Mayor.

This could expose a risk as there will be no one to perform these duties when the Act requires an Acting Mayor be appointed.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Non Compliance with the Local Government Act 1989 if an Acting Mayor is not appointed	Almost Certain	Major	Extreme	Appoint an Acting Mayor
Having matters arise in the absence of the Mayor and there is no one appointed to perform and function or exercise the powers of the Mayor	Possible	Major	High	Appoint an Acting Mayor

Policy Considerations

There are no policies that directly relate to the appointment of an Acting Mayor.

Financial Implications

There are no financial implications associated with appointing an Acting Mayor. An acting Mayor that is in the position for more than 50 days is entitled to the Mayoral allowance for that period. The dates recommended in this report do not exceed this amount of time continuously.

Legal/Statutory Implications

Section 73(3) of the *Local Government Act 1989 (Act)* requires an acting Mayor to be appointed if the Mayor is absent or incapable of acting in his or her position. The Council must appoint one of the Councillors to be acting Mayor. This is to ensure section 73(4) of the Act is complied with, and the functions and powers of the mayor continue in his or her absence.

Non-compliance to the sections of the Act could result in a risk to the organisation.

4. OFFICE OF THE CHIEF EXECUTIVE OFFICER

4.1 Appointment of an Acting Mayor (continued)

Environmental/Sustainability Impacts

There are no environmental or sustainable impacts associated with this report.

Social Implications

There are no social implications associated with the recommendation of this report.

Economic Impacts

There are no economic impacts associated with this report.

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 links to the Greater Shepparton 2030 Strategy

b) Other strategic links

There are no other strategic links

Options for Consideration

Option 1

Appoint the Deputy Mayor as the acting Mayor for the dates specified in the recommendation.

Option 2

Appoint a Councillor other than the Deputy Mayor as the Acting Mayor for the dates specified in the recommendation

Option 3

To not appoint an acting Mayor.

Conclusion

To ensure compliance with the *Local Government Act 1989*, it is recommended that the Deputy Mayor be officially appointed as the Acting Mayor in the absence of the Mayor while overseas on official delegated duties.

To ensure the powers and functions of the Mayor continue while she is overseas, an acting Mayor should be appointed.

Attachments

Nil

5. URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA