

AGENDA

MEETING OF THE HORSHAM RURAL CITY COUNCIL

To be held on

19 November 2020

at 5.30pm

Council Chamber, Civic Centre

18 Roberts Avenue, HORSHAM

DUE TO COVID-19 PUBLIC ATTENDANCE IS NOT PERMITTED

THE COUNCIL MEETING WILL BE ACCESSIBLE ONLINE TO THE PUBLIC AND WILL BE LIVE STREAMED ON THE

HORSHAM RURAL CITY COUNCIL WEBSITE www.hrcc.vic.gov.au



Horsham Rural City
Council urban rural balance

COUNCILLORS are respectfully requested to attend the Council Meeting of the Horsham Rural City Council to be held on Thursday 19 November 2020 in the Council Chamber, Civic Centre, Horsham at 5.30pm.

The meeting will be closed to the public due to COVID-19 but will be broadcast live on the Council website at www.hrcc.vic.gov.au

Order of Business

PRESENT

ALSO IN ATTENDANCE

1. PRAYER

Almighty God, we pledge ourselves to work in harmony for, the social, cultural and economic well-being of our Rural City. Help us to be wise in our deliberations and fair in our actions, so that prosperity and happiness shall be the lot of our people. AMEN

2. ACKNOWLEDGEMENT OF COUNTRY STATEMENT

The Horsham Rural City Council acknowledges the five Traditional Owner groups of this land; the Wotjobaluk, Wergaia, Jupagulk, Jaadwa and Jadawadjali people. We recognise the important and ongoing place that all Indigenous people hold in our community.

We pay our respects to the Elders, both past and present, and commit to working together in the spirit of mutual understanding and respect for the benefit of the broader community and future generations.

3. OPENING AND WELCOME

The Chief Executive Officer, Sunil Bhalla, will declare the meeting open.

The Chief Executive Officer will act as Chairperson to conduct the formal process for the Mayoral election.

4. APOLOGIES

5. OATH OR AFFIRMATION OF OFFICE

Recommendation

That Council:

1. Note Cr Di Bell, Cr Penny Flynn, Cr Robyn Gulline, Cr Claudia Haenel and Cr Les Power took the Oath of Office and Cr David Bowe and Cr Ian Ross took the Affirmation of Office on Monday 9 November 2020 as per Section 30 of the Local Government Act 2020.
2. Note that the above Councillors also signed a declaration that they had read and would abide by the Councillor Code of Conduct in accordance with Section 63 of the Local Government Act 1989.

6. CONFLICTS OF INTEREST

Declarations of Interest

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Members of Staff

Under Section 130 of the *Local Government Act 2020*, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

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CLOSE



SUNIL BHALLA
Chief Executive Officer

7. OFFICERS REPORTS

7.1 TERM OF THE MAYOR

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A05/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To determine the term of office for the next Mayor of Horsham Rural City Council.

Summary

- Section 26(3) of the *Local Government Act 2020* requires that:
“Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.”

Recommendation

That Council, pursuant to section 26 of the *Local Government Act 2020*, elect the Mayor for a term of ____ year/s.

REPORT

Background

Council may resolve to elect the Mayor for a term of 1 or 2 years. This decision must be made before the Mayor is elected (*Local Government Act 2020*, sections 25, 26).

Discussion

Section 26 of the Local Government Act 2020 provides:

- (1) A Mayor is to be elected no later than one month after the date of a general election.*
- (2) The Mayor of the Greater Geelong City Council must be elected for a 2 year term.*
- (3) Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.*
- (4) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.*
- (5) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.*
- (6) A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.*
- (7) The election of a Mayor after the period specified in this section does not invalidate the election.*
- (8) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a 1 year or a 2 year term serves the remaining period of the previous Mayor's term.*

Conclusion

That Council determine the term of office for the next Mayor of Horsham Rural City Council.

7.2 ELECTION OF THE MAYOR

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A05/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nomination for the role of Mayor (**Appendix "7.2A"**)

Purpose

To elect a Mayor for the Horsham Rural City Council in accordance with the *Local Government Act 2020* (The Act), sections 25, 26 and Council's Governance Rules, chapter 2, Part B.

Summary

- At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- A Mayor is to be elected no more than one month after the date of a general election.
- The Chief Executive Officer must chair the meeting for the election of the Mayor.
- Any nominations for the office of Mayor must be:
 - In writing and using the form attached in Appendix 7.2A; and
 - Seconded by another Councillor.

Recommendation

That Council elect Cr _____ to be the Mayor of the Horsham Rural City Council for the agreed term.

REPORT

Background

The *Local Government Act 2020*, Section 25(1) provides that Councillors must elect a Councillor to be Mayor of the Council, section 26(1) states: "A Mayor is to be elected no later than one month after the date of a general election."

The election of the Mayor must be conducted in accordance with the provisions of the Act and chapter 2, Part B of Councils Governance Rules.

The meeting procedure for the election of the Mayor will be chaired by the Chief Executive Officer.

Following the election, the Mayor shall assume the chair to deal with the remaining matters before the meeting.

Before the election of the Mayor, a Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

Discussion

The Procedure for the election of Mayor is outlined in Part B of the Governance Rules as follows:

4. Election of the Mayor

The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Local Government Act 2020.

5. Method of Voting

The election of the Mayor must be carried out by a show of hands.

6. Determining the election of the Mayor

6.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.

6.2 Any nominations for the office of Mayor must be:

6.2.1 in writing and in a form prescribed by the Chief Executive Officer; and*

6.2.2 seconded by another Councillor.

6.3 Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;

6.3.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

- 6.3.4 *in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;*
- 6.3.5 *if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;*
- 6.3.6 *in the event of two or more candidates having an equality of votes and one of them having to be declared:*
- 6.3.6(a) a defeated candidate; and*
- 6.3.6(b) duly elected*
- the declaration will be determined by lot.*
- 6.3.7 *if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:*
- (a) each candidate will draw one lot;*
- (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and*
- (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).*

* Form attached as **Appendix "7.2A"**.

Conclusion

That Council duly elect a Mayor for Horsham Rural City Council for the agreed term, in accordance with the provision of the *Local Government Act 2020* and Council's Governance Rules.

7.3 DEPUTY MAYOR

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A05/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To consider whether Council has a Deputy Mayor and the term of office for the Deputy Mayor.

Summary

- Council must decide if it wishes to have a Deputy Mayor.
- If Council is to have a Deputy Mayor, then it must resolve on whether it is for a 1 year or 2 year term.

Recommendation

That Council:

1. Establish the office of the Deputy Mayor.
2. Elect the Deputy Mayor for a term of _____ year/s.

REPORT

Background

Horsham Rural City Council has not in the past elected a Deputy Mayor. The introduction of the *Local Government Act 2020* (the Act), section 20A, requires Council to consider whether or not to establish an office of Deputy Mayor.

Section 27(2) of the *Local Government Act 2020* requires that the term of office for the Deputy Mayor be determined in the same manner as the term of office for the Mayor, stating “*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.*”

The decision with regards to the term of the Deputy Mayor must be made before the Deputy Mayor is elected (*Local Government Act 2020*, sections 25, 26).

Discussion

Section 26 of the *Local Government Act 2020* provides:

- (1) A Mayor is to be elected no later than one month after the date of a general election.*
- (2) The Mayor of the Greater Geelong City Council must be elected for a 2 year term.*
- (3) Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.*
- (4) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.*
- (5) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.*
- (6) A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.*
- (7) The election of a Mayor after the period specified in this section does not invalidate the election.*
- (8) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a 1 year or a 2 year term serves the remaining period of the previous Mayor’s term.*

Conclusion

That Council determine whether to have a Deputy Mayor, and if so, determine the term of office for the Deputy Mayor of Horsham Rural City Council.

7.4 ELECTION OF THE DEPUTY MAYOR

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A05/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nomination for the role of Deputy Mayor (**Appendix "7.4A"**)

Purpose

To elect a Deputy Mayor for the Horsham Rural City Council in accordance with the *Local Government Act 2020* (the Act), sections 25, 26 and Council's Governance Rules, chapter 2, Part B s(7).

Summary

- If council has a Deputy Mayor, then in accordance with Council's Governance Rules, any nominations for the office of Deputy Mayor must be:
 - In writing and using the form attached as Appendix 7.4A; and
 - Seconded by another Councillor

Recommendation

That Council elect Cr _____ to be the Deputy Mayor of the Horsham Rural City Council for the agreed term.

REPORT

Background

The *Local Government Act 2020*, requires that the procedure for the election of the Mayor will apply to the election of the Deputy Mayor, with the Mayor conducting the election.

Section 27(1) states “Section 25, other than subsection (3)(a), applies to the election of a Deputy Mayor by the Councillors as if any reference in that section to the Mayor was a reference to the Deputy Mayor.”

Section 25 provides the regulations for the election of the Mayor. Section 25(3) sets out who is required to chair the meeting for the election of the Mayor.

If Council does not established an office of Deputy Mayor, section 20B applies in regard to the appointment of an Acting Mayor.

Discussion

The Procedure for the election of Deputy Mayor is outlined in Part B of the Governance Rules and is as follows:

Clause 7 states:

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

7.1 any office of Deputy Mayor; or

7.2 Chair of a Delegated Committee

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

7.3 Chief Executive Officer is a reference to the Mayor; and

7.4 Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).

Rules 4 to 6 are as follows:

4. Election of the Mayor

The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

5. Method of Voting

The election of the Mayor must be carried out by a show of hands.

6. Determining the election of the Mayor

6.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.

6.2 Any nominations for the office of Mayor must be:

6.2.1 in writing and in a form prescribed by the Chief Executive Officer*; and

6.2.2 seconded by another Councillor.

6.3 Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;

6.3.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

6.3.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;

6.3.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

6.3.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:

(a) a defeated candidate; and

(b) duly elected

the declaration will be determined by lot.

6.3.7 if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:

(a) each candidate will draw one lot;

(b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and

(c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

** Form attached as **Appendix "7.4A"**.*

Conclusion

That Council elect a Deputy Mayor for Horsham Rural City Council for the agreed term, in accordance with the provision of the *Local Government Act 2020* and Council's Governance Rules.

7.5 SPEECH BY THE INCOMING MAYOR

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A05/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

For the incoming Mayor to address the meeting.

Summary

The incoming Mayor will address the meeting in accordance with Council's Governance Rules section 9.

Recommendation

That Council receive and note the incoming Mayor's address.



Nomination for the role of Mayor – November 2020

In accordance with Council's Governance Rules Part B s(6.2)

Any nominations for the office of Mayor must be:

6.2.1. in writing and in a form prescribed by the Chief Executive Officer; and

6.2.1 seconded by another Councillor

Councillor Nominated	Name of Councillor Nominating	Date
Name of Councillor Seconding above Nomination		Date
Received by Chief Executive Officer	Signature	Date

Nominations should be provided to the CEO at the commencement of the Item for the Election of the Mayor at the Statutory Meeting on 19 November 2020.

Any enquiries should be directed to the CEO Office on (03) 5382 9725



Nomination for the role of Deputy Mayor – November 2020

In accordance with Council's Governance Rules Part B s(6.2)(s7)

Any nominations for the office of Deputy Mayor must be:

6.2.1. in writing and in a form prescribed by the Chief Executive Officer; and

6.2.1 seconded by another Councillor

Councillor Nominated	Name of Councillor Nominating	Date
Name of Councillor Seconding above Nomination		Date
Received by Chief Executive Officer	Signature	Date

Nominations should be provided to the CEO at the commencement of the Item for the Election of the Deputy Mayor at the Statutory Meeting on 19 November 2020.

Any enquiries should be directed to the CEO Office on (03) 5382 9725