

MINUTES of the Council (Statutory) Meeting of the Horsham Rural City Council held in the Council Chambers and livestreamed at www.hrcc.vic.gov.au at 5.30pm on 18 November 2021.

PRESENT

Cr Di Bell, Cr David Bowe, Cr Penny Flynn, Cr Robyn Gulline, Cr Claudia Haenel, Cr Les Power, Cr Ian Ross

ALSO IN ATTENDANCE

Sunil Bhalla, Chief Executive Officer; Graeme Harrison, Director Corporate Services; John Martin, Director Infrastructure; Kevin O'Brien, Director Communities and Place; Fiona Kelly, Executive Assistant to CEO and Councillors.

Hugh Delahunty, Pam Clarke, Kerry Flynn, John Flynn, Shana Miatke, Melvyn Bell, Angela Munn, Noel Janetzki, Kerrie Bell, Diana McDonald, Cameron Gerlach, Jason Brady, Larree Darrington, Dean Lawson (The Weekly Advertiser), Alison Foletta (Wimmera Mail Times), Abby Walter (Horsham Times), Alexander Darling (ABC).

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

Mr Sunil Bhalla declared the meeting open and welcomed those in attendance to the meeting. The CEO advised that the meeting will be recorded to maintain an audio archive, which will be available on the Horsham Rural City Council website as soon as possible.

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

4. APOLOGIES

Nil

5. CONFLICTS OF INTEREST

Nil

6. OFFICERS REPORTS

6.1 TERM OF THE MAYOR

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Acting Manager Governance and Information	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 pursuant to section 26 of the *Local Government Act 2020*, Council elect the Mayor for a term of year/s.

Council Resolution

MOVED Cr Penny Flynn, Seconded Cr Les Power

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

CARRIED

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.*

Options to Consider

To determine the Mayoral term of office for 1 year or 2 years.

Sustainability Implications

Not applicable.

Community Engagement

Not applicable.

Innovation and Continuous Improvement

Not applicable.

Collaboration

Not applicable.

Financial Implications

Not applicable.

Regional, State and National Plans and Policies

Not applicable.

Council Plans, Strategies and Policies

2021-2025 Council Plan

Theme 5 – Leadership

Governance Rules (August 2020)

Part B

Risk Implications

Not applicable.

Conclusion

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

6.2 ELECTION OF THE MAYOR

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Acting Manager Governance and Information	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.
- 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 in a form prescribed by the Chief Executive Officer (Appendix 7.2A); and
 - Seconded by another Councillor

Nominations for the role of Mayor

Councillor Nominated	Nominated By	Seconded By
Cr Di Bell	Cr Di Bell	Cr Ian Ross
Cr Robyn Gulline	Cr Penny Flynn	Cr David Bowe
Cr Claudia Haenel	Cr Claudia Haenel	Cr Ian Ross

Council Resolution

MOVED Cr Les Power, Seconded Cr David Bowe

That each candidate be allowed 5 minutes maximum to explain why they should be elected the Mayor for next 12 months.

CARRIED

The Election of the Mayor was carried out by show of hands for Cr Di Bell, Cr Robyn Gulline and Cr Claudia Haenel.

Cr Robyn Gulline received absolute majority, and is therefore declared duly elected as Mayor of the Horsham Rural City Council.

REPORT

Background

The *Local Government Act 2020*, Section 25(1) provides that Councillors must elect a Councillor to be Mayor of the Council.

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. It should be noted that at the Statutory Meeting held on 19 November 2020, Council determined to elect the Mayor for a 1 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).*

Options to Consider

Not applicable.

Sustainability Implications

Not applicable.

Community Engagement

The Act provides that the Councillors must elect a Councillor to be Mayor of the Council, therefore community engagement is not appropriate.

Innovation and Continuous Improvement

Not applicable.

Collaboration

Not applicable.

Financial Implications

Funds are allocated annually for the office of the Mayor.

Regional, State and National Plans and Policies

Not applicable.

Council Plans, Strategies and Policies

2021-2025 Council Plan
Theme 5 – Leadership

Governance Rules (August 2020)
Part B

Risk Implications

In accordance with section 25(5) of the Act, if an absolute majority of the Councillors cannot be obtained at the meeting to elect a Mayor, the Council may resolve to conduct a new election at a later specified time and date.

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.

6.3 DEPUTY MAYOR

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Acting Manager Governance and Information	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/Not establish the office of the Deputy Mayor.
2. Elect the Deputy Mayor for a term ofyear/s.

Council Resolution

MOVED Cr Penny Flynn, Seconded Cr Les Power

That Council not establish the office of the Deputy Mayor.

CARRIED

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.

6.4 ELECTION OF THE DEPUTY MAYOR

As Council has decided not to establish the office of the Deputy Mayor, this item is no longer relevant.

CLOSE

Meeting closed at 5.50pm

DocuSigned by:

Robyn Gulline

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The Mayor, Cr Robyn Gulline
Chairperson