

Agenda

Statutory Meeting of Council

Tuesday, 30 October 2018

6:30pm

Statutory Meeting of Council

Tuesday, 30 October 2018 at 6:30pm
to be held at the Moonee Valley Civic Centre

Members:

Cr John Sipek
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence
Cr Nicole Marshall
Cr Cam Nation
Cr Narelle Sharpe
Cr Andrea Surace

Officers:

Bryan Lancaster	Chief Executive Officer
Steven Lambert	Director City Services
Kendrea Pope	Director Organisational Performance
Natalie Reiter	Director Planning and Development
Gil Richardson	Acting Director Asset Planning and Strategic Projects
Allison Watt	Manager Governance and Communications

Business:

1. Opening and Reconciliation Statement

The Chief Executive Officer welcomes everyone to the Statutory Meeting and advises that the meeting is being livestreamed on the internet and will be available on Council's website.

The reconciliation statement to be read by the Chief Executive Officer

Moonee Valley City Council, respectfully acknowledges the Traditional Custodians of the land on which Moonee Valley is located – the Wurundjeri People of the Kulin Nation; and paid respect to their Spirits, Ancestors, Elders and their Community Members past and present.

2. Appointment of a Temporary Chairperson

The Chief Executive Officer informs everyone in attendance that as there is no appointed Chairperson, the first task for Councillors is to appoint a temporary Chairperson.

The Chief Executive Officer calls for nominations and a vote is taken, if required.

The Temporary Chairperson assumes the Chair.

3. Apologies

4. Declarations of Conflict of Interest

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The Temporary Chair vacates the Chair.

A. Election of Mayor

The Chief Executive Officer calls for nominations for the position of Mayor.

Nominations are received and a vote is taken, if required.

The Chief Executive Officer declares the elected Mayor.

The elected Mayor steps forward and is presented with the Jewel of Office and Gavel by the Chief Executive.

The Mayor addresses the meeting.

B. Election of Deputy Mayor

The Chief Executive Officer calls for nominations for the position of Deputy Mayor.

Nominations are received and a vote is taken, if required.

The Chief Executive declares the elected Deputy Mayor.

6. Close of Meeting

**BRYAN LANCASTER
CHIEF EXECUTIVE OFFICER**

REPORTS

5.1 Term of Mayor

File No: FoI/18/32
Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance

Purpose

The purpose of the report is to enable Council to make a formal decision in relation to the term of office for both its new Mayor and Deputy Mayor.

In addition, the report seeks to make provision for the Deputy Mayor to assume the role of acting Mayor in the event that the elected Mayor is absent or incapable of acting at any time during his or her term of office.

Executive Summary

- In accordance with Section 71(2) of the *Local Government Act 1989* (the Act), Council must elect a Councillor to be Mayor of the Council.
- Before a Mayor is elected under this section, Council may resolve to elect its Mayor for a term of either one or two years.
- Historically, Moonee Valley has always appointed its Mayor and Deputy Mayor for a one year term.
- Under Section 73 of the Act, in the absence or incapacitation of the elected Mayor, Council must appoint one of its remaining Councillors to be the acting Mayor. According to the Act, an acting Mayor may perform any function or exercise any power conferred on the Mayor.
- In order to ensure that the Deputy Mayor is able to backfill the role of Mayor as required, it is recommended that the Deputy Mayor also be appointed to the role of acting Mayor for the duration of his or her one year term.

Recommendation

That Council:

1. Appoints its next Mayor for a period of 12 months.
2. Appoints its next Deputy Mayor for a period of 12 months.
3. Appoints the Deputy Mayor to the role of acting Mayor, for the duration of his or her term, as per Section 73(3) of the *Local Government Act 1989*.

Background

Section 71(2) of the *Local Government Act 1989* prescribes that Council must elect a Councillor to be Mayor of the Council. Before this occurs, Council may resolve to elect this individual for either a one or two year term.

Whilst the role of Deputy Mayor is not prescribed under the Act, Section 73(3) does make provision for the appointment of an acting Mayor. More specifically, if there is a vacancy in the office of Mayor or if the Mayor is absent, incapable of acting or refusing to act, Council must appoint one of its remaining Councillors to be the acting Mayor. An acting Mayor can perform any function or exercise any power conferred on the Mayor.

Historically, Moonee Valley City Council has always appointed both a Mayor and a Deputy Mayor for a one year term. In order to ensure that the Deputy Mayor is able to backfill the role of Mayor as required, it is recommended that the Deputy Mayor is also appointed to the role of acting Mayor for the duration of his or her one year term. This will eliminate the need for a specific Council resolution under Section 73(3) on every occasion that the Mayor is absent during his or her term of office.

Discussion

In recognising that Moonee Valley City Council has historically appointed both its Mayor and Deputy Mayor for a one year term, this precedent has been used to support the recommendations presented within this report.

Consultation

Consultation was not required for the preparation of this report.

Implications

1. Legislative

This report has been prepared in accordance with Sections 71(2) and 73(3) of the *Local Government Act 1989*.

There are no Human Rights Charter implications.

2. Council Plan / Policy

In presenting this report, Council is working to achieve its strategic objective in accordance with Council Plan 2017-21 Theme 5: Resilient organisation – Foster a culture of accountability and transparency – Good governance is everyone's responsibility.

3. Financial

There are no financial implications that arise as a result of this report being presented to Council.

4. Environmental

There are no environmental implications that arise as a result of this report being presented to Council.

Conclusion

This report will allow Councillors to determine the term of office for both its newly elected Mayor and Deputy Mayor. It will also ensure that the Deputy Mayor is able to backfill the role of Mayor as required.

Appendices

Nil .

5.2 Council Meeting Schedule for 2019

File No: Fol/18/32
Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance

Purpose

The purpose of this report is to formally adopt the schedule for Council Meetings and Public Forums for the 2019 calendar year.

Executive Summary

- The adoption of a meeting schedule provides certainty and advance notice for the community of Moonee Valley of the Council meeting cycle.
- The proposed schedule maintains the cycle of two Ordinary Council Meetings per month for expedient decision making by Council.
- The proposed schedule maintains the cycle of one Public Forum per month to encourage the active participation of the residents of the municipality.

Recommendation

That Council:

1. Adopts the following meeting schedule for the 2019 calendar year and that these meetings be held at the Moonee Valley City Centre, 9 Kellaway Avenue, Moonee Ponds unless Council resolves otherwise:
 - a. Ordinary Council meetings commencing at 6.30pm on 29 January, 12 February, 26 February, 12 March, 26 March, 9 April, 23 April, 14 May, 28 May, 11 June, 25 June, 9 July, 23 July, 13 August, 27 August, 10 September, 24 September, 8 October, 22 October, 12 November, 26 November and 10 December.
 - b. A Special Council Meeting to elect the Mayor and Deputy Mayor at 6.30pm on Tuesday 29 October.
 - c. Public Forums commencing at 6pm on 19 February, 19 March, 16 April, 21 May, 18 June, 16 July, 20 August, 17 September, 15 October and 19 November.
2. Authorises the Chief Executive Officer to amend the 2019 Meeting Schedule as required, to accommodate workloads or other special circumstances.
3. Requests the Chief Executive Officer to ensure that the Schedule of Council Meetings and any meeting date changes are appropriately advertised in the local newspapers and on Council's website in accordance with the *Local Government Act 1989*.

Background

The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions. In achieving this objective, Council must ensure that transparency and accountability are at the heart of its decision-making.

Discussion

A meeting structure is in place to enable Council to:

- gather sufficient information to support sound and timely decision making; and
- encourage active participation in civic life for its community.

In 2017, Council made a decision to schedule two Council meetings per month to allow for an expedient decision-making process. It is proposed that Council retains this meeting cycle in 2019 (with meetings to be held on the second and fourth Tuesday of the month) and for the immediate future retain the use of Public Forums in their current form.

It is proposed that all meetings will be held at the Moonee Valley Civic Centre, with:

- a) Council meetings being held on the second and fourth Tuesday of the month commencing at 6.30pm excluding:
 - i) December – only one meeting to be scheduled for the second Tuesday (10 December) given the impending Christmas period.
- b) Public Forums being held on the third Tuesday of the month, excluding January and December because of the holiday period.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

This report has been prepared in accordance with the requirements of the *Local Government Act 1989*.

2. Council Plan / Policy

In presenting this report, Council is working to achieve its strategic objective to provide opportunities for civic participation and input to Council decision-making processes in accordance with Council Plan 2017-21 Theme 5: Resilient organisation - A resilient organisation that is sustainable, innovative, engaging and accountable - Our community is informed and has a say.

3. Financial

There are no financial implications that arise as a result of this report.

4. Environmental

There are no environmental implications associated with this report.

Conclusion

A schedule of meeting dates for 2019 has been proposed for consideration, which will allow for timely decision making and active public participation in Council matters.

Appendices

Nil .