



Mildura Rural City Council

AGENDA

Annual Meeting of Council

5:30pm Thursday 2 November 2023

VENUE:

**Committee & Council Room
76 Deakin Ave, Mildura**

Copies of Mildura Rural City Council's Agendas & Minutes
can be obtained online at www.mildura.vic.gov.au

Prayer

Almighty God,

We who are gathered together in Council,
pledge ourselves to work in harmony for
the welfare and development of our Rural City.

Guide us, we pray, in our deliberations,
help us to be fair in our judgement and
wise in our actions,
so that prosperity and happiness
shall be the lot of our people.

Amen.

Acknowledgement of Country

“Mildura Rural City Council would like to acknowledge the Traditional Owners and Custodians of the land, which now comprises the Mildura Rural City municipality. We pay our respects to Elders past and present and celebrate and respect their continuing cultures and acknowledge the memories of their ancestors”.

Note to Councillors

Declaration of Interest

Councillors should note that in accordance with section 130 of the *Local Government Act 2020*, there is an obligation to declare a conflict of interest in a matter before Council.

A conflict of interest can be *general* or *material* in nature.

A Councillor has a *general conflict of interest* if an impartial, fair-minded person would consider that the Councillor's private interests could result in that Councillor acting in a manner that is contrary to their public duty.

- Private interests means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- Public duty means the responsibilities and obligations that a Councillor has to members of the public in their role as an elected representative.

A Councillor has a *material conflict of interest* if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

The benefit may arise or the loss incurred –

- (a) directly or indirectly; or
- (b) in a pecuniary or non-pecuniary form.

An *Affected Person* includes:

- (a) the relevant person;
- (b) a family member of the relevant person;
- (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
- (d) an employer of the relevant person, unless the employer is a public body;
- (e) a business partner of the relevant person;
- (f) a person for whom the relevant person is a consultant, contractor or agent;
- (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
- (h) a person from whom the relevant person has received a disclosable gift.

Disclosure of Conflict of Interest

A Councillor must make full disclosure of a conflict of interest by advising the type and nature of the interest immediately before the matter is considered at the meeting. Following the disclosure and prior to the matter being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

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MARTIN HAWSON

CHIEF EXECUTIVE OFFICER

1 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

2 OPENING AND WELCOME

3 PRESENT

4 APOLOGIES AND ABSENCES

5 MANAGEMENT REPORTS

5.1 ELECTION OF MAYOR

File Number: 02/01/06
Officer: General Manager Corporate Performance

1. Summary

The purpose of this report is to undertake the process for the election of the Mayor in accordance with section 25 of the *Local Government Act 2020* (the Act).

2. Recommendation

That Council elect a Mayor for a 1 year term.

3. Background

In accordance with section 25(1) of the Act, the election of the Mayor must be held at a Council meeting that is open to the public and cannot be undertaken by secret ballot.

Before the election of the Mayor, Council must resolve whether the Mayor is to be elected for a 1 year or a 2 year term. As there is only one year left of this Councillor term, the Mayoral term can only be for one year.

4. Consultation Proposed/Undertaken

There are no consultation implications associated with this report.

5. Discussion

The election process for the Mayor will be undertaken in accordance with Chapter 3 of Council's Governance Rules. In determining the election of the Mayor, the following will apply:

- i) only one candidate has been nominated, that candidate must be declared elected;
- ii) when more than one candidates are nominated, the Councillor with the absolute majority of votes cast will be declared elected;
- iii) in the event that no candidate receives an absolute majority of 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;
- iv) 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.

- v) where there are three or more nominations and all votes cast are equally divided between the candidates, the Council may resolve to conduct a new election at a later specified time and date.

6. Time Frame

Following the election the Mayor will immediately take the chair and be formally recognised as Mayor.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Outcomes to be achieved:

- Trust, respect and understanding between community and Council; and
- Effective governance to deliver results in line with community expectations.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

There are no policy implications associated with this report.

Legal/Statutory

This report complies with section 25 of the *Local Government Act 2020*.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

5.2 ELECTION OF DEPUTY MAYOR

File Number: 02/01/06
Officer: General Manager Corporate Performance

1. Summary

The purpose of this report is to elect the position of Deputy Mayor to undertake the role of Mayor in accordance with section 21 of the *Local Government Act 2020*.

2. Recommendation

That Council appoint a Deputy Mayor, for the Mayoral term, to perform the role of Mayor in accordance with section 21 of the *Local Government Act 2020*.

3. Background

The Mayor will call for nominations for the position of Deputy Mayor.

In accordance with the *Local Government Act 2020*, if Council has established an office of Deputy Mayor, the Deputy Mayor must perform the role of the Mayor and exercise any of the powers of Mayor if –

- (a) the Mayor is unable for any reason to attend a Council Meeting or part of a Council Meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

4. Consultation Proposed/Undertaken

There are no consultation implications associated with this report.

5. Discussion

The requirement to elect a Deputy Mayor is optional under the *Local Government Act 2020*, however it is good practice to elect one to deputise for the Mayor in the Mayor's absence. On 7 March 2022, in accordance with section 23A of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019, the Tribunal made the Allowance payable to Deputy Mayors in all Victorian Councils. The Determination took effect from 18 December 2021.

6. Time Frame

The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Outcomes to be achieved:

- Trust, respect and understanding between community and Council; and
- Effective governance to deliver results in line with community expectations.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications**Policy**

There are no policy implications associated with this report.

Legal/Statutory

The requirement to elect a Deputy Mayor is optional under the *Local Government Act 2020*, however it is considered good practice to elect one to deputise for the Mayor in the Mayor's absence.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

6 URGENT BUSINESS

7 CLOSURE