

MINUTES

for the special meeting of Council held in the Council Chambers
on 8 December 2008 commencing at 6:00pm.

The Chief Executive Officer opened the meeting with the
Statement of Acknowledgement of the traditional land owners.

Present

Cr M Byatt

Cr A Collins

Cr C Ferguson

Cr E Foulston

Cr L Mahood

Cr A Speedie

Cr R Wangman

Apologies

Nil

In Attendance

Mr G Cator	Chief Executive Officer
Mr T Ierino	Director Business Services
Mr R Henderson	Director City Infrastructure
Ms P Harrington	Director Community Development
Mr M Gobel	Director Investment Attraction
Mr J Louw	Director Sustainable Development



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	Supporting documentation for agenda item 6 – appointment to committees.	

1. Documents to be Tabled

There were none.

2. Declarations of Interest or Conflict of Interest

Nil.

3. Councillors to take the Oath of Office

A person elected to be a councillor is not capable of acting as a councillor unless he or she has taken oath of office.

The *Local Government Amendment (Councillor Conduct and Other matters) Act 2008* amended section 63 of the *Local Government Act 1989* (“the Act”) to clarify the wording that is used when a person elected to be a councillor takes the oath of office. It does this by requiring the oath of office to be taken in accordance with the requirements under section 100 of the *Evidence Act 1958*. Local Government Victoria has confirmed the following:

Oaths

A person elected to be a Councillor takes the oath of office by holding the Bible or the New or Old Testament in his or her uplifted hand and repeating the following words after the CEO [s.63(1),(2)]:

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Wodonga and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment.

Affirmation

A person elected to be a Councillor is permitted to make an affirmation instead of taking an oath where the person objects to being sworn or it is not reasonably practicable to do so without inconvenience or delay in the manner appropriate to the religious belief of the person [s.102 of the Evidence Act]. A person makes an oral affirmation by repeating the following words after the CEO administering the affirmation [s.103(1) of the Evidence Act]:

I,do solemnly, sincerely and truly declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Wodonga City Council and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment.

The oath or affirmation of office must be made before the Chief Executive Officer, dated and signed before the Chief Executive Officer, and recorded in the minutes of the Council.

Section 64 of the Act states that if a person elected to be a Councillor does not take the oath of office within three months after the day on which he or she was declared elected, the office of that Councillor becomes vacant.

In accordance with section 63 of the **Local Government Act** and sections 100 and 102 of the **Evidence Act 1958** the Chief Executive Officer invited the Councillors-Elect to take the oath or affirmation of office as Councillors for the term 2008/2012:

Cr L Mahood

Cr R Wangman

Cr A Speedie

Cr M Byatt

Cr C Ferguson

Cr A Collins

Cr E Foulston

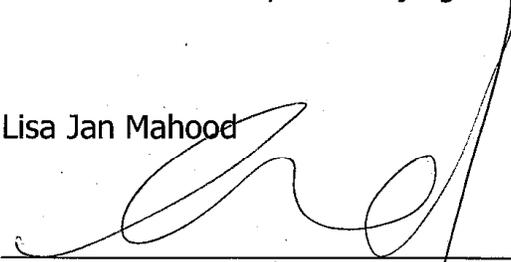
The completed oath / affirmation of office are included with these minutes.



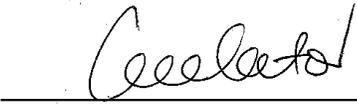
Oath of Office

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Wodonga and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Name: Lisa Jan Mahood

Signed: 

Date: 8/12/08

Witness: 

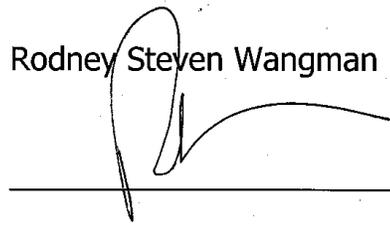
Gavin Cator
Chief Executive Officer
Wodonga City Council



Oath of Office

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Wodonga and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Name: Rodney Steven Wangman

Signed: 

Date: 8/12/2008

Witness: 

Gavin Cator
Chief Executive Officer
Wodonga City Council



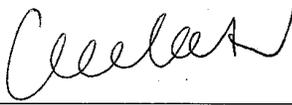
Affirmation

I, Anna Clare Elizabeth Speedie, do solemnly, sincerely and truly declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Wodonga and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act* 1989 or any other Act to the best of my skill and judgment.

Name: Anna Clare Elizabeth Speedie

Signed: 

Date: 8.12.08

Witness: 

Gavin Cator
Chief Executive Officer
Wodonga City Council



Oath of Office

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Wodonga and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Name: Mark Anthony Byatt

Signed:



Date:

8/12/08

Witness:



Gavin Cator
Chief Executive Officer
Wodonga City Council



Oath of Office

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Wodonga and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Name: Christopher Drummond Ferguson

Signed:



Date:

8-12-8

Witness:



Gavin Cator
Chief Executive Officer
Wodonga City Council

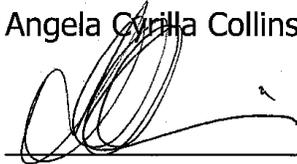


Oath of Office

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Wodonga and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Name: Angela Cyrilla Collins

Signed: _____



Date: _____

08/12/08

Witness: _____



Gavin Cator
Chief Executive Officer
Wodonga City Council



Oath of Office

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Wodonga and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Name: Edward Thomas Foulston

Signed: _____



Date: _____

08/12/08.

Witness: _____



Gavin Cator
Chief Executive Officer
Wodonga City Council

4. Election of a Temporary Chairperson

Council's *Meeting Procedure Local Law (No. 1 of 2007)* states:

- 9.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and call for nominations for the election of a Councillor as a temporary Chairperson.

Council must elect a temporary Chairperson for the meeting until the election of the Mayor.

RECOMMENDATION

That Council elect a temporary Chairperson.

Cr Foulston nominated Cr Mahood. The nomination was declined.

Cr Collins nominated Cr Wangman. The nomination was declined.

Cr Wangman nominated Cr Speedie and Cr Mahood seconded the nomination. The nomination was accepted.

There being no other nominations Cr Speedie was declared elected as Temporary Chairperson.

2008-187

5. Election of Mayor

The *Local Government Amendment (Councillor Conduct and Other Matters) Act 2008* made changes to provisions of the *Local Government Act 1989* (“the Act”) relating to the election of the Mayor of the Council and the term a Mayor is elected for.

The Council may resolve to elect a Mayor for a term of two years. This decision must be made before the Mayor is elected [s.71(2)]. If no decision is made, the term of the Mayor remains as one year.

Any Councillor (Section 72 (3)) is eligible for the election to the office of Mayor.

The Mayor is to be elected:

- after the last Saturday in November but not later than 31st December each year [s.71 (3) (a)];
- or where the Mayor is elected for a term of two years, the next Mayoral election must be after the last Saturday in November but not later than 31 December in the second year after the previous Mayoral election [s.71 (3) (ab)];
- or as soon as possible after any vacancy in the office of Mayor occurs [s.71 (3) (b)].

In accordance with sections 71 (1) and 90 (1) (ca) of the Act voting for the position of Mayor must not be by secret ballot.

Section 9.2 of Council’s *Meeting Procedure Local Law (No. one of 2007)* states:

- 9.2 *Upon the meeting electing a temporary Chairperson:*
 - 9.2.1 *the temporary Chairperson must invite nominations for the office of Mayor (each of which must be seconded). If there is only one nomination, the candidate nominated is deemed to be elected;*
 - 9.2.2 *if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;*
 - 9.2.3 *in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;*
 - 9.2.4 *in the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;*
 - 9.2.5 *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;

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

9.2.6.1 defeated candidate; or

9.2.6.2 duly elected

the declaration will be determined by lot.

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

9.2.7.1 each candidate will draw one lot;

9.2.7.2 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;

RECOMMENDATION

That Council:

- a) Elect the Mayor for a period of one year; and
- b) Elect the Mayor in accordance with part B, section 9.2 of the *Meeting Procedure Local Law (No 1 of 2007)*.

Councillors Mahood/Wangman

That Council elect the Mayor for a period of one year.

DEFEATED

Councillors Foulston/Collins

That Council elect the Mayor for a period of two years.

CARRIED 2008-188

The Chairperson, Cr Speedie, called for nominations for the position of Mayor.

Cr Foulston nominated Cr Byatt and Cr Collins seconded the nomination. The nomination was accepted.

Cr Speedie nominated Cr Wangman and Cr Mahood seconded the nomination. The nomination was accepted.

In speaking to the nomination of Cr Wangman, Cr Speedie requested that her comments be recorded in the minutes.

Cr Speedie's comments were:

"The role of Mayor is about leadership of the council for the greater community. It is not about popularity nor what some may surmise as a public want. It is about ability and strong leadership of a council to fulfill its complex and demanding role.

Wodonga is confronted with huge challenges and changes over the next four years and indeed beyond. We are poised to realise a dream of many in the removal of the rail from the heart of our city and with this, the opportunities that arise from this historic state initiative.

I would like to nominate Cr Wangman. Cr Wangman for the last two years has led this city well. I believe he exhibits the essential virtues and abilities of good governance and leadership for this community.

Proven ability to lead a council team, including during more complex times of change. For example the recruitment and interim periods between the appointment of our new CEO and through large and widely publicly debated issues.

Cr Wangman has been dedicated and high performing in the role as Mayor. He has shown great commitment in personal attendance at many functions, community meetings and forums in addition to his continued roles within our community.

He has a proven ability to unite councillors and provide equity for robust debate and expression of views. His style of inclusiveness has proven to be wide and encompassing, accommodating differences in personal opinion, agendas and across all sectors of our community.

Experience in local government and as an elected member of local government is, I believe, critical at this time. This council is faced with the large number of projects, a policy direction of debt reduction and a world financial crisis unlike anything we have ever seen. This is a role that requires an experienced and steady hand, coupled with a broad and intelligent depth of knowledge not only of community aspects but at a greater management level.

All other points aside for me the most crucial element to the appointment of Cr Wangman as mayor at this time is his relationships and negotiations at both federal and state level for our city. Cr Wangman has worked tirelessly for this city over the past two years to establish contacts and relationships with appropriate ministers and others. There are several highly complex discussions underway at this time that will secure funding for major projects that will impact this city greatly over the next one to two years. I believe that it is essential that these opportunities be followed through for the betterment of this city.

Fellow councillors, I urge you to step up to your roles as a Wodonga councillor, and vote with the best interests of this community in mind”.

Prior to the vote being taken the two candidates for the position of Mayor were invited to address the meeting. During his address Cr Byatt requested that the minutes note his acknowledgment of the work of the previous Mayor, Cr Wangman, and in particular Cr Wangman’s passion and dedication to the city. He also acknowledged the individual and collective contribution to the city made by councillors Mahood and Speedie, along with that of former councillors, John De Kruiff, John Mahony, Jenny Hanuska, and Brian Wicks. Finally he spoke about the need for trust, respect and integrity, and for the councillors to work together as a team for the betterment of the city.

The Temporary Chairperson, Cr Speedie, called for a show of hands for each candidate. The votes recorded for each were:

Cr Byatt: 4 votes
Cr Wangman: 3 votes

The Temporary Chairperson, Cr Speedie, declared Cr Byatt elected as Mayor.

2008-189

Cr Byatt assumed the Chair.

6. Position of Deputy Mayor

Council may choose to elect a Deputy Mayor although there is no legislative requirement for this position.

A decision on whether to appoint a Deputy Mayor can be made at the time of the Mayoral elections.

The process of election of the position of Deputy Mayor shall be the same as the election of the Mayor, as set out in the *Meeting Procedure Local Law (No. 1 of 2007)*.

The position of Deputy Mayor is not recognised by the *Local Government Act, 1989* (“the Act”) as a position that attracts an allowance. As such the Deputy Mayor shall receive the councillor allowance as set by Council from time to time in accordance with the Act.

The Deputy Mayor shall be required to act as Mayor if the Mayor is absent, incapable of acting or refuses to act [sec 73 (3) of the Act], and this wording should be incorporated in any resolution to elect a Deputy Mayor.

RECOMMENDATION

That Council:

- a) Resolve that there is an office of Deputy Mayor as provided for in Part B, section 10 of the *Meeting Procedure Local Law (No 1 of 2007)*;
- b) Elect a Deputy Mayor for a period of one year; and
- c) Elect the Deputy Mayor in accordance with part B, section 10 of the *Meeting Procedure Local Law (No 1 of 2007)*.

Councillors Wangman/Foulston

That Council resolve that there is an office of Deputy Mayor as provided for in Part B, section 10 of the *Meeting Procedure Local Law (No 1 of 2007)*.

CARRIED 2008-190

Councillors Wangman/Speedie

That Council elect a Deputy Mayor for a period of one year.

CARRIED 2008-191

The Mayor called for nominations for the position of Deputy Mayor.

Cr Ferguson nominated Cr Collins and Cr Foulston seconded the nomination. The nomination was accepted.

There being no other nominations Cr Collins was declared elected as Deputy Mayor.

2008-192

7. Council Appointments to Committees and Other Local Organisations

Council annually appoints Councillor and / or staff representatives to various Committees and local organisations.

A list of these committees and recommended appointments for the next 12 months is attached for Council's determination (refer to Appendix A).

RECOMMENDATION

That Council nominate representatives to the committees as listed in Appendix A.

Councillors Mahood/Speedie

That Council nominate representatives to the committees as listed in Appendix A.

CARRIED 2008-193

8. Council Meeting Schedule

Section 89 (4) of the *Local Government Act, 1989* requires Council to at least seven days before the holding of a meeting give public notice of the meeting. Further, part D, section 12 of the *Meeting Procedure Local Law (No. 1 of 2007)* states that Council must from time to time fix the date, time and place of all ordinary meetings.

Ordinary meetings of Council are currently held on the third Monday of each month at the Council Chamber, commencing at 6.00 PM.

The following schedule for 2009 meetings reflects this practice, with two exceptions. The June Council meeting is proposed to be held on the fourth Monday as this will work in better with the budget/council plan timetable, and will still provide a four week break between the June and July meetings. The December Council meeting is proposed to be held on the second Monday as this will allow more time for matters to be actioned prior to the Christmas / New Year closure.

Date	Time	Venue
Monday, 19 January	6.00 PM	Council Chambers
Monday, 16 February	6.00 PM	Council Chambers
Monday, 16 March	6.00 PM	Council Chambers
Monday, 20 April	6.00 PM	Council Chambers
Monday, 18 May	6.00 PM	Council Chambers
Monday, 22 June	6.00 PM	Council Chambers
Monday, 20 July	6.00 PM	Council Chambers
Monday, 17 August	6.00 PM	Council Chambers
Monday, 21 September	6.00 PM	Council Chambers
Monday, 19 October	6.00 PM	Council Chambers
Monday, 16 November	6.00 PM	Council Chambers
Monday, 14 December	6.00 PM	Council Chambers

RECOMMENDATION

That in accordance with section 12 of the *Meeting Procedure Local Law (No. 1 of 2007)* and to enable compliance with Section 89 (4) of the *Local Government Act, 1989* Council adopt the meeting schedule for ordinary Council meetings set out in this report and the public be advised accordingly.

Councillors Mahood/Wangman

That in accordance with section 12 of the *Meeting Procedure Local Law (No. 1 of 2007)* and to enable compliance with Section 89 (4) of the *Local Government Act, 1989* Council adopt the meeting schedule for ordinary Council meetings set out in this report and the public be advised accordingly.

CARRIED 2008-194

9. Statutory Requirements

Executive Summary

This report details the statutory requirements of Council in the next 12 months.

Statutory Requirements

1. Council Plan (S.125 LGA 1989)
Council must prepare and approve a Council Plan by 30 June 2009, in accordance with Section 125 (1) (b) of the *Local Government Act 1989* (“the Act”).

A Council Plan must include:

- (a) the strategic objectives of the Council;
- (b) strategies for achieving the objectives for at least the next four years;
- (c) strategic indicators for monitoring the achievement of the objectives;
- (d) a Strategic Resource Plan containing the matters specified in Section 126;
- (e) any other matters which are prescribed by the regulations.

Persons have the right to make submissions under Section 223 on the proposed Council Plan and a copy must be submitted to the Minister by 30 June 2009.

2. Strategic Resource Plan (S.126 LGA 1989)
The Strategic Resource Plan (SRP) is a resource plan of the resources required to achieve strategic objectives. The Strategic Resource Plan must include in respect of at least the next four financial years:

- (a) the standard statements describing the required financial resources in the form and containing the information required by the regulations.
- (b) Statements describing the required non-financial resources, including human resources.

Council must review the SRP during the preparation of the Council Plan and adopt the SRP by no later than 30 June each year.

3. Budget (S.127 LGA 1989)
A Council must prepare a budget for each financial year and must ensure the budget contains:

- (a) the standard statements in the form and containing the matters required by the regulations;
- (b) a description of the activities and initiatives to be funded in the budget;
- (c) a statement as to how the activities and initiatives described under paragraph (b) will contribute to achieving the strategic objectives identified in the Council Plan;
- (d) separately identifying Key Strategic Activities to be undertaken during the financial year and performance targets and measures in relation to each key strategic activity.

The Budget must also contain details with respect to Council's rate declaration, differential rates etc. and must also be made available for public submissions. The Annual Budget must be completed and forwarded to the Minister by 31 August each year.

4. Annual Reports (S.131–134 LGA 1989)
Council is required to produce an Annual Report incorporating the Annual Financial Statements every year and submit it to the Minister by 30 September each year.
5. Performance Statement (S.132 S.133 LGA 1989)
Council's Performance Statement detailing the key strategic activities and initiatives is subject to audit. It must be submitted to the Minister by 30 September.
6. Quarterly Statements (S.138 LGA 1989)
At least every three months the Chief Executive Officer must ensure a statement comparing the budgeted revenue and expenditure for the financial year with the actuals is presented to Council.
7. Audit Committee (S.139 LGA 1989)
Council must, and has established an Audit Committee that operates with independent members. The Committee meets, at least quarterly, and operates to an Audit Plan. The Committee reports its findings to Council for ratification.
8. Delegations (S.98 LGA 1989)
Council may by Instrument of Delegation, delegate to a member of its staff any power, duty or function of a Council other than the power to declare a rate or charge, power to borrow money, power to approve expenditure not contained in an approved budget, power to hear submissions and any prescribed power. The CEO may also delegate similarly to members of Council staff any power, duty or function of his/her office. A register of delegations must be kept and these are reviewed approximately every six months by Council. Council is required to review the delegations within 12 months of being elected.
9. Register of Interests (S.81 LGA 1989)

Councillors must submit an initial “primary return” and then twice yearly an “ordinary return” to be incorporated by the CEO into the Council’s Register of Interests.

Newly elected Councillors are required to submit their Primary Return within 30 days of election day or within seven days of taking the oath of office.

10. Code of Conduct (S.76C LGA 1989)
Council is required to review the Code of Conduct within 12 months of being elected, in accordance with section 76C (2).

11. Mayor and Councillor Allowances
In April the Minister for Local Government announced an increase to the mayoral and councillor allowances to take effect after the Council elections. The Order in Council to give effect to the new allowances was published in the Victorian Government Gazette on 27 November. The Mayor and councillors will receive the new allowance effective from taking the oath of office.

Allowances are now comprised of two parts:

Part A – lower and upper range limits and levels of allowances for councils in categories. Wodonga Council is a category two council.

Part B – the equivalent of the superannuation guarantee contribution (currently 9%) to be added to part A unless a Council has made a unanimous resolution under Commonwealth taxation legislation to pay the Superannuation Guarantee Contribution.

The allowances to be paid until such time as Council performs a review under section 74 (1) of the Act are the allowances paid to the previous Council adjusted up by 34.38% plus part B where applicable. Section 74 (1) states that a Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 7months after a general election.

Conclusion

The statutory requirements will be a part of Council’s agenda for the following months and will provide the opportunity for Council to continue to provide the strategic direction for the community.

RECOMMENDATION

That the report be received.

Councillors Mahood/Wangman

That the report be received.

CARRIED 2008-195

Meeting Closed at 6.45 pm.

Chairperson

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Date

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