

AGENDA

MEETING OF THE
HORSHAM RURAL CITY COUNCIL

To be held on
21 November 2024
At 5.30pm

In the
Council Chamber, Civic Centre
18 Roberts Avenue, HORSHAM



**COUNCILLORS are respectfully requested to attend the Council Meeting
of the Horsham Rural City Council to be held on 21 November 2024
in the Council Chamber, Civic Centre, Horsham at 5.30pm**

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

Horsham Rural City Council acknowledges the five Traditional Owner groups of this land; the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk 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, Craig Niemann, to declare the meeting open.

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

4. APOLOGIES

5. LEAVE OF ABSENCE REQUESTS

6. SWEARING IN OF THE NEWLY ELECTED COUNCILLORS

Craig Niemann to read out the formal declaration of the Poll of the Horsham Rural City Council elections held on Saturday 26 October, 2024 for the election of seven Councillors, as announced by Peter Lee, Returning Officer for the Victorian Electoral Commission on Friday 8 November, 2024.

The following candidates were elected:

Ian Ross (Pine Lake Ward), Rebecca Sluggett (Kalimna Ward), Brian Klowss (Wyn Wyn Ward), Todd Wilson (Horsham North Ward), Angela Munn (Oatlands Ward), Cam McDonald (May Park Ward), Dean O'Loughlin (Green Park Ward).

Craig Niemann to request each of the seven Councillors to come forward individually to undertake an Oath or Affirmation as a Councillor and to abide by the Model Councillor Code of Conduct.

7. 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



CRAIG NIEMANN
Chief Executive Officer

8. OFFICERS REPORTS

8.1 TERM OF THE MAYOR

Author's Name:	Kim Hargreaves	Director:	Kim Hargreaves
Author's Title:	Director Corporate Services	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... must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.”
- Section 26(1) of the *Local Government Act 2020* requires that:
“A Mayor is to be elected no later than one month after the date of a general election.”

Recommendation

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

REPORT

Background

Councillors have the responsibility of electing a Councillor to be Mayor under s25 of the *Local Government Act 2020*. Before a Mayor can be elected, Council must determine by resolution whether the Mayor is to be elected for a one or two year term (*Local Government Act 2020*, section 26(3)). Provisions for the election of Deputy Mayor are outlined in s27 and mirror those for the Election of Mayor other than in relation to the Chair for the election of the Deputy.

Discussion

The *Local Government Act 2020* requires Councillors to elect a Councillor to be the Mayor of the Council at a meeting that is open to the public (s25). The election must be chaired by the Chief Executive Officer and conducted in accordance with Council's Governance Rules.

Before the election can occur Council must determine by resolution whether the Mayor is to be elected for a one or two year term.

Section 26 of the Act requires the following:

- If the Mayor is elected for a one 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 one year term as is reasonably practicable.
- If the Mayor is to be elected for a two 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 two year term as is reasonably practicable.
- A Mayor is required to be elected within one month after any vacancy in the office of Mayor occurs.

Options to Consider

Council is required to determine the term of the Mayor for Horsham Rural City Council before the election for that position can occur. The options are as above – a one or two year term.

Sustainability Implications

Nil

Community Engagement

The report was presented to Councillors at a briefing on 18 November to ensure they were aware of the process in advance of the statutory meeting and had access to the relevant form for nominations.

Innovation and Continuous Improvement

Not applicable – informed by legislation

Collaboration

Not applicable – informed by legislation

Financial Implications

Any or all costs associated with the statutory meeting to elect the Mayor and Deputy Mayor are budgeted as part of the annual budget.

Regional, State and National Plans and Policies

Not applicable – informed by legislation

Council Plans, Strategies and Policies

Not applicable – informed by legislation

Risk Implications

There are risks associated with the poor management of the process for Election of Mayor and Deputy Mayor given the legislative framework that informs that process. The intention of the related reports is to reduce that risk by ensuring all Councillors are aware of their responsibilities and the approved processes adopted under the Governance Rules for the Election of Mayor and Deputy Mayor.

Conclusion

Council to determine the term of office for the next Mayor of Horsham Rural City Council noting the provisions of the Act.

8.2 ELECTION OF THE MAYOR

Author's Name:	Kim Hargreaves	Director:	Kim Hargreaves
Author's Title:	Director Corporate Services	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 form for the role of Mayor (**Appendix 8.2A**)

Purpose

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

Summary

- Councillors must elect a Councillor to be the Mayor of the Council at a Council meeting that is open to the public.
- The election of the Mayor must be chaired by the Chief Executive Officer and conducted in accordance with the Council's Governance Rules.
- Any nominations for the office of Mayor must be:
 - in writing in the form prescribed by the Chief Executive Officer (refer **Appendix 8.2A**); and
 - seconded by another Councillor.

Recommendation

That Council elect Cr _____ to be the Mayor of the Horsham Rural City Council for a term of one year/two years.

REPORT

Background

The *Local Government Act 2020* requires Councillors to elect a Councillor to be the Mayor of the Council at a meeting that is open to the public (s25). The election must be chaired by the Chief Executive Officer and conducted in accordance with Council's Governance Rules.

The Act also requires the Mayoral election to comply with Council's own Governance Rules. Chapter 2, Part B of the Governance Rules provides that nominations for Mayor are to be in writing in a form prescribed by the Chief Executive Officer, and seconded by another Councillor.

Before an election can occur, the duration of the term for the Mayor is to be determined by prior resolution, as detailed in this meeting agenda.

Discussion

In accordance with both the Act and the Rules:

- The election of the Mayor is chaired by Council's Chief Executive Officer.
- An absolute majority of Councillors must elect the Mayor. Horsham Rural City Council has a total of seven Councillors, therefore four councillors must vote in favour of a candidate in order to elect them.
- If there is only one nomination then the nominated candidate must be declared to be duly elected. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.
- Votes are carried out by a show of hands or such other visual or audible means as the Chief Executive Officer determines.
- Each Councillor present must vote, and is limited to voting in favour of one candidate each (per round of voting).
- Further rounds of voting may apply if no candidate achieves an absolute majority of votes in the first instance. Unless Council defers this special meeting to a later time, it must follow a process of declaring defeated candidates as per the provisions in Governance Rules 6.3.4 and 6.3.5.
- If the event of two or more candidates having an equal number of votes and one of them having to be declared, the final declaration will be determined by "lot" (Governance Rules 6.3.6 and 6.3.7).
- Following the election of the Mayor, the Mayor assumes as chair to deal with all remaining matters before the meeting.

Nominations for Mayor are determined through an application process. The nomination form is attached as **Appendix 8.2A**.

Options to Consider

The *Local Government Act 2020* requires that Councillors elect a Mayor however there are exemptions to which Councillors can nominate. The Act provides at s167(2) that:

If a Councillor Conduct Panel makes a finding of serious misconduct against a Councillor, the Councillor becomes ineligible to hold the office of Mayor or Deputy Mayor for the remainder of the Council's term unless the Councillor Conduct Panel directs otherwise.

All no such findings have been made at the time of the report, all Councillors are eligible.

Sustainability Implications

Nil

Community Engagement

The report was presented to Councillors at a briefing on 18 November to ensure they were aware of the process in advance of the statutory meeting and had access to the relevant form for nominations.

Innovation and Continuous Improvement

The nomination form has been improved to make the process of nomination as simple as possible (refer **Appendix**).

Collaboration

Not applicable – informed by legislation

Financial Implications

Any or all costs associated with the statutory meeting to elect the Mayor and Deputy Mayor where applicable, as well as any costs associated with the positions, are budgeted as part of the annual budget.

Regional, State and National Plans and Policies

Not applicable – informed by legislation

Council Plans, Strategies and Policies

Not applicable – informed by legislation

Risk Implications

There are risks associated with the poor management of the process for Election of Mayor and Deputy Mayor given the legislative framework that informs that process. The intention of the related reports is to reduce that risk by ensuring all Councillors are aware of their responsibilities and the approved processes adopted under the Governance Rules for the Election of Mayor and Deputy Mayor.

Conclusion

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

8.3 TERM OF THE DEPUTY MAYOR

Author's Name:	Kim Hargreaves	Director:	Kim Hargreaves
Author's Title:	Director Corporate Services	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A15/000001

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, should Council opt to establish the office of Deputy Mayor, the term of office for the Deputy 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... must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.”
- Section 27(2) of the *Local Government Act 2020* states that:
“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.”

Recommendation

That Council, pursuant to section 26 of the *Local Government Act 2020* and having opted to establish the office of Deputy Mayor, resolves to elect a Deputy Mayor for a term of one year/two years.

REPORT

Background

Council has the option to elect a Deputy Mayor with section 27(2) of the *Local Government Act 2020* requiring the term of office to be determined before a Deputy Mayor can be elected (s26(3)).

Discussion

Council has the option to establish an office of Deputy Mayor or not. Where Council resolves to establish an office of Deputy Mayor, they must first determine the term of that role before commencing the election process.

The *Local Government Act 2020* allows Council to set a term of office for one or two years (s26(1)) and provides that “A Mayor is to be elected no later than one month after the date of a general election”. As s26 applies to the election of a Deputy Mayor by virtue of s27(2), this requirement also applies to the position of Deputy Mayor.

Options to Consider

Council have the option to establish an office of Deputy Mayor. If Council opt to establish an office of Deputy Mayor there is a requirement to determine the term of office before the election for that position.

Sustainability Implications

Nil

Community Engagement

The report was presented to Councillors at a briefing on 18 November to ensure they were aware of the process in advance of the statutory meeting and had access to the relevant form for nominations.

Innovation and Continuous Improvement

Not applicable – informed by legislation

Collaboration

Not applicable – informed by legislation

Financial Implications

Any or all costs associated with the statutory meeting to elect the Mayor and Deputy Mayor are budgeted as part of the annual budget.

Regional, State and National Plans and Policies

Not applicable – informed by legislation

Council Plans, Strategies and Policies

Not applicable – informed by legislation

Risk Implications

There are risks associated with the poor management of the process for Election of Mayor and Deputy Mayor given the legislative framework that informs that process. The intention of the related reports is to reduce that risk by ensuring all Councillors are aware of their responsibilities and the approved processes adopted under the Governance Rules for the Election of Mayor and Deputy Mayor.

Conclusion

If Council decide to establish the office of Deputy Mayor there is a requirement to determine the term of office before any election for that position as per the provisions of the Act.

8.4 ELECTION OF THE DEPUTY MAYOR

Author's Name:	Kim Hargreaves	Director:	Kim Hargreaves
Author's Title:	Director Corporate Services	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	

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 form for the role of Deputy Mayor (**Appendix 8.4A**)

Purpose

To outline the process for electing a Deputy Mayor for Horsham Rural City Council in accordance with the *Local Government Act 2020* (the Act), section 27, and Council's Governance Rules, Chapter 2, Part B.

Summary

- Where Council has opted to establish the office of Deputy Mayor, the election of the Deputy Mayor must be chaired by the newly elected Mayor and conducted in accordance with the Council's Governance Rules.
- Any nominations for the office of Deputy Mayor must be:
 - in writing in the form prescribed by the Chief Executive Officer (refer **Appendix 8.4A**); and
 - seconded by another Councillor.

Recommendation

That, having decided to establish the office of Deputy Mayor, Council elect Cr _____ to be the Deputy Mayor of the Horsham Rural City Council for a term of one year/two year.

REPORT

Background

Since November 2020 Councils other than Melbourne City Council and Greater Geelong City Council have had been provided with the option to establish an office of Deputy Mayor (s20A *Local Government Act 2020*). If Council choose to establish an office of Deputy Mayor, the provisions of the Act relating to the office of Deputy Mayor apply.

Before an election can occur, the duration of the term for the Deputy Mayor is to be determined by prior resolution, as detailed in this meeting agenda.

Discussion

Where a Council has established an office of Deputy Mayor, Deputy Mayors must perform the role of the Mayor, and may exercise the Mayoral powers, in any of the following circumstances:

- when the Mayor is unable for any reason to attend a Council meeting, or part of a Council meeting
- when the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness
- when the office of Mayor is vacant

For those Councils who choose to establish an office of Deputy Mayor, the Deputy Mayor must be elected by an absolute majority of Councillors at a meeting that is open to the public (s27). The *Local Government Act 2020* requires that the election of the Deputy Mayor be conducted as per the process for the election of the Mayor, noting the newly elected Mayor is to conduct the election of the Deputy Mayor in accordance with s27 of the Act and Rule 7 of the Governance Rules.

Nominations for Mayor are determined through an application process. The nomination form is attached as **Appendix 8.4A**.

Options to Consider

Where Council resolves to establish an office of Deputy Mayor, they must first determine the term of that role before commencing the election process.

Voting to fill this role, subject to the term determined as per previous resolutions at this meeting, note the exemptions to which Councillors can nominate. The Act provides at s167(2) that:

If a Councillor Conduct Panel makes a finding of serious misconduct against a Councillor, the Councillor becomes ineligible to hold the office of Mayor or Deputy Mayor for the remainder of the Council's term unless the Councillor Conduct Panel directs otherwise.

All no such findings have been made at the time of the report, all Councillors are eligible.

Sustainability Implications

Nil

Community Engagement

The report was presented to Councillors at a briefing on 18 November to ensure they were aware of the process in advance of the statutory meeting and have access to the relevant form for nominations.

Innovation and Continuous Improvement

The nomination form has been improved to make the process of nomination as simple as possible (refer **Appendix**).

Collaboration

Not applicable – informed by legislation

Financial Implications

Any or all costs associated with the statutory meeting to elect the Mayor and Deputy Mayor where applicable, as well as any costs associated with the positions, are budgeted as part of the annual budget.

Regional, State and National Plans and Policies

Not applicable – informed by legislation

Council Plans, Strategies and Policies

Not applicable – informed by legislation

Risk Implications

There are risks associated with the poor management of the process for Election of Mayor and Deputy Mayor given the legislative framework that informs that process. The intention of the related reports is to reduce that risk by ensuring all Councillors are aware of their responsibilities under the Act and the approved processes adopted under the Governance Rules for the Election of Mayor and Deputy Mayor.

Conclusion

Having agreed to establish an office of Deputy Mayor, Council then duly elect a Deputy Mayor for Horsham Rural City Council for the agreed term in accordance with the provisions of the *Local Government Act 2020* and Council's Governance Rules.

8.5 SPEECH BY THE INCOMING MAYOR

Author's Name:	Kim Hargreaves	Director:	Kim Hargreaves
Author's Title:	Director Corporate Services	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

Following election to office, the incoming Mayor may address the meeting.

Summary

- The incoming Mayor may address the meeting in accordance with Section 9 of the Council's Governance Rules.
- The purpose of these ceremonial speeches is to highlight priorities for the year ahead.

Recommendation

Council to receive the newly elected Mayor's address.