

M(13) – 24 NOVEMBER 2020

Ordinary Council Meeting

Minutes

The next **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **24 November 2020** and commenced at **4:00pm**.

PRESENT

COUNCILLORS

Cr John Forsyth - Mayor

Cr Sarah Nicholas – Deputy Mayor

Cr Katarina Chalwell

Cr Ron Janas

Cr Tony Keeble

Cr Kelli Prime

Cr Charlie Vincent

OFFICERS

Charlie Bird – Chief Executive Officer

Will Jeremy – Director Assets

Nathalie Cooke – Director Corporate

APOLOGIES

Nil

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1. Interim Chairperson

Section 25(3) of the *Local Government Act 2020* (LGA 2020) states that the election of Mayor must be chaired by the Chief Executive Officer (CEO), and be conducted in accordance with the Governance Rules.

Chapter 2 of Council's Governance Rules further steps out the process for the Election of Mayor and Deputy Mayor, including the requirement for the CEO to preside at the election of a Councillor to the office of Mayor. The elected Mayor will then preside over the election of Deputy Mayor.

The Chief Executive Officer will assume the role of Interim Chairperson to deal with Items 2 to 7.1.2 of this Agenda.

2. Recording and livestreaming of Council meetings

The CEO read the following statement:

All council meetings are filmed with both video and audio being recorded.

Video is focused on a specific area however audio from the entire room is captured.

Question time will still be held, however questions must be submitted in writing prior to the meeting. By submitting a question, you consent to your question being read aloud at the meeting.

In common with all narrative during council meetings verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes.

The reasoning behind recording council meetings is of course to hold us more accountable and improve transparency of council's decision making to our community.

The full meeting is being streamed live on Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel shortly after this meeting.

3. Acknowledgement of Country and recognition of all people

The CEO read the following statement:

The Alpine Shire Council acknowledges the Taungurung Traditional Owners and their ancestors as the Traditional Owners of the land we are now on, we pay our respect to Elders, past and present.

We also acknowledge those people who have contributed to the rich fabric of our community and strive to make wise decisions that will improve the quality of life for all.

4. Apologies

Nil

5. Obituaries / congratulations

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to questions.

6. Declarations by Councillors of conflict of interest

Regulation 7 of the *Local Government (Governance and Integrity) Regulations 2020* provides the following exemptions from conflict of interest requirements for matters being considered at this meeting:

(1) For the purposes of section 129(g) of the LGA 2020, the following matters are prescribed to be exempt -

- a) the nomination or appointment by the Council of a Councillor to a position for which the Councillor will not be remunerated;
- b) the nomination or appointment by the Council of a Councillor to a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils;
- d) the nomination of a Councillor for election to the office of Mayor or Deputy Mayor;
- e) the election of a Councillor to the office of Mayor or Deputy Mayor under section 25 or 27 of the LGA 2020;
- f) the appointment of a Councillor to the office of Acting Mayor under section 20B of the LGA 2020.
- k) the appointment of a Councillor as a member or chairperson of a delegated committee

(2) For the purposes of section 129(g) of the LGA 2020, the circumstances in which a Councillor carries out a function in any of the following positions are prescribed to be exempt -

- a) as a representative of the Council to a Local Government Waste Forum established under the *Environment Protection Act 1970*;
- b) as a director of a Waste and Resource Recovery Group established under the *Environment Protection Act 1970*;
- e) as a representative of the Council, or Councils, to the Municipal Association of Victoria or in another body that has a purpose of representing the interests of a Council or Councils;
- g) as a representative of the Council (with the Council's approval) to an organisation, if the Councillor receives no remuneration as that representatives.

7. Presentation of reports by officers

7.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

7.1.1 Mayoral Term

INTRODUCTION

The *Local Government Act 2020* (LGA 2020) sets out several requirements for the election of Mayor including the timing of the election of Mayor and the length of the term.

Section 26(1) of the LGA 2020 requires the Mayor to be elected no later than one month after the date of a general election.

Section 26(3) further requires Council to resolve to elect a Mayor for a term of either one year or two years before electing the Mayor. Whether a Mayor is elected for a one year or two year term, the next election of the Mayor must be held on a day that is as close to the end of that term as is practicable. It is likely that the election of the Mayor will be considered at the relevant November Ordinary Council Meeting.

Chapter 2 of Council's Governance Rules further support the requirement to set the term of office prior to electing the Mayor.

The Chief Executive Officer will call for a motion to set the term of the Office of the Mayor (one year or two years).

Cr Nicholas

Cr Keeble

That the term of office of the Mayor be set for a one year term.

Carried

7.1.2 Election of Mayor

INTRODUCTION

The *Local Government Act 2020* (LGA 2020) sets out the requirements for the election of Mayor.

Section 25(1) of the LGA 2020 requires the meeting to elect the Mayor to be open to the public. In accordance with s395 of the LGA 2020, during COVID-19 restrictions a Council meeting streamed live on Council's internet site is considered to meet the requirements of being open to the public, while restricting public attendance inside the Council Chambers at a Council meeting.

Any Councillor is eligible for election or re-election to the office of Mayor.

Role of the Mayor

Section 18 of the LGA 2020 sets out the role of the Mayor:

1. The role of the Mayor is to—
 - a. chair Council meetings; and
 - b. be the principal spokesperson for the Council; and
 - c. lead engagement with the municipal community on the development of the Council Plan; and
 - d. report to the municipal community, at least once each year, on the implementation of the Council Plan; and
 - e. promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
 - f. assist Councillors to understand their role; and
 - g. take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
 - h. provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
 - i. perform civic and ceremonial duties on behalf of the Council.
2. The Mayor is not eligible to be elected to the office of Deputy Mayor.

Specific powers of the Mayor

Section 19 of the LGA 2020 sets out the specific powers of the Mayor:

1. The Mayor has the following specific powers—
 - a. to appoint a Councillor to be the chair of a delegated committee;
 - b. to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;

- c. to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.
2. An appointment under subsection (1)(a) prevails over any appointment of a chair of a delegated committee by the Council.

The Chief Executive Officer will call for nominations and a seconder for the Office of Mayor in accordance with Chapter 2 of Council's Governance Rules.

Nomination:

Cr Janas nominated Cr Forsyth.

Cr Nicholas seconded the nomination.

Cr Forsyth accepted the nomination.

There were no further nominations. Cr Forsyth was elected as Mayor.

The Chief Executive Officer will invite the newly elected Mayor to address the meeting.

The Chief Executive Officer vacated the Interim Chair and the Mayor assumes the Chair.

7.1.3 Office and term of Deputy Mayor

INTRODUCTION

Section 20A of the *Local Government Act 2020* (LGA 2020) provides that Council may establish an office of Deputy Mayor. This is a change from the *Local Government Act 1989*, where there was no statutory position of Deputy Mayor.

The LGA 2020 requires Council to establish the term of office of Deputy Mayor for either one year or two years prior to electing the Deputy Mayor. As for the Mayor, the next election of Deputy Mayor must be held on a day that is as close to the end of that term as possible. It is likely that the election of the Deputy Mayor will be considered at the relevant November Ordinary Council meeting.

Where Council chooses not to appoint a Deputy Mayor, it must follow the provisions of 20B of the LGA 2020, and appoint an Acting Mayor where:

- 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.

Where Council appoints a Deputy Mayor under s20A of the LGA 2020, the Deputy Mayor must perform the role of the Mayor, and may exercise any of the powers of the Mayor in the situations a-c above.

Council has historically set the term of Deputy Mayor to match the term of the Mayor.

The Chief Executive Officer will call for a motion to create an office of Deputy Mayor, and set the term of the Office of the Deputy Mayor (one year or two years).

Cr Janas

Cr Vincent

That:

- 1. Council establish an office of Deputy Mayor; and*
- 2. The term of office of the Deputy Mayor be aligned to the term of the office of the Mayor.*

Carried

7.1.4 Election of Deputy Mayor

INTRODUCTION

The *Local Government Act 2020* (LGA 2020) requires that the steps for election of Deputy Mayor must follow the same process as for the election of Mayor.

Any Councillor is eligible for election or re-election to the office of Deputy Mayor.

Role of the Deputy Mayor

Section 21 of the LGA 2020 sets out the role and powers of the Deputy Mayor:

The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the 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.

The role of Mayor is set out in item 7.1.2 of this meeting.

The Mayor will call for nominations and a seconder for the Office of Deputy Mayor in accordance with Chapter 2 of Council's Governance Rules.

Nomination:

Cr Chalwell nominated Cr Nicholas.

Cr Vincent seconded the nomination.

Cr Nicholas accepted the nomination.

There were no further nominations for Deputy Mayor. Cr Nicholas was elected as Deputy Mayor.

7.1.5 Councillor Oath of Office and Code of Conduct declaration

File Number 640.01

INTRODUCTION

The *Local Government Act 2020* LGA 2020 specifies that a person elected to be a Councillor is not capable of acting as a Councillor unless he or she has taken the oath or affirmation of office in the manner prescribed by the regulations.

Cr Keeble

Cr Nicholas

That the Oaths and Affirmations of Office signed on 17 November 2020 be received and recorded in the minutes of this Council meeting.

Carried

BACKGROUND / ISSUES

Section 31 of the LGA 2020 states that the office of a Councillor becomes vacant if a person elected to be a Councillors does not take the Oath or Affirmation of Office within three months after the day on which the person was declared elected.

Oath or Affirmation of Office

Section 30 of the LGA 2020 requires the Oath or Affirmation of Office to be administered by the Chief Executive Officer (CEO); signed and dated before the CEO; and recorded in the minutes of a Council meeting, whether or not the Oath or Affirmation was taken at a Council meeting.

The Oath or Affirmation of Office ceremony was held on Tuesday 17 November 2020 in the Bright Council Chambers and the signed Oaths / Affirmation are included with the minutes of this meeting.

Oaths and Affirmations were in accordance with the required format in the *Oaths and Affirmations Act 2018*, and the *Local Government (Governance and Integrity) Regulations 2020*, which required the following form:

"I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Acts to the best of my skill and judgement."

Code of Conduct Declaration

In addition to Councillors taking the Oath or Affirmation of Office, Councillors have made a separate declaration regarding the Councillor Code of Conduct (the Code). This declaration was made in writing and witnessed by the Chief Executive Officer.

These declarations will be included with the Councillor Code of Conduct (version 5) that was most recently adopted by Council on 7 February 2017. Councillors must review and update the Code within a period of four months after the general election (no later than 24 February 2021).

POLICY IMPLICATIONS

Section 30(1) of the LGA 2020 states that a person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the Oath or Affirmation of Office in the manner prescribed by the *Local Government (Governance and Integrity) Regulations 2020*.

Councillors-elect have now completed their Oaths and Affirmations of Office, and can now commence their roles as Councillors.

FINANCIAL AND RESOURCE IMPLICATIONS

Mayor and Councillors are entitled to receive allowances in accordance with the *Local Government Acts 1989 and 2020*, and reimbursement of expenses in accordance with the Councillor Expenses Policy No. 76. Council has budgeted for these expenses in the Annual Budget.

CONSULTATION

Councillors were able to choose their preferred version of Oath or Affirmation. As this is a statutory process, no community consultation was required.

CONCLUSION

Council is required to include a copy of signed Oaths and Affirmations in the minutes of a Council meeting. This report ensures that Council has complied with this LGA 2020 requirement.

ATTACHMENT(S)

- 7.1.6 Councillor Oaths / Affirmations of Office

7.1.6 Contracts awarded by the CEO

Cr Nicholas

Cr Janas

That the capital works contracts approved by the CEO be noted.

<i>Contract No:</i>	<i>CT20083</i>	<i>Process:</i>	<i>RFQ</i>
<i>Title:</i>	<i>Road Stabilisation and Patching – Road Shoulders 2020-21</i>		
<i>Tenderer:</i>	<i>Stadelmann Enterprises</i>		
<i>\$:</i>	<i>\$57,433 exclusive of GST</i>		

<i>Contract No:</i>	<i>3222</i>	<i>Process:</i>	<i>Motor Vehicle State Purchasing Contract: VicFleet Approved Vehicle List</i>
<i>Title:</i>	<i>L2P Vehicle Renewal – supply and delivery of two new L2P vehicles</i>		
<i>Tenderer:</i>	<i>Wangaratta Toyota</i>		
<i>\$:</i>	<i>\$49,312.91 exclusive of GST</i>		

Carried

7.2 DIRECTOR CORPORATE – NATHALIE COOKE

7.2.1 Appointment of Councillors to represent Council on Committees and Boards

File Number: 615.00

INTRODUCTION

Council operates and participates on a range of special, advisory and external committees and groups. Council's appointment of councillors to the various committees and groups will enable good governance and decision making for the following year.

Cr Vincent

Cr Janas

That:

- Councillors be appointed as Council's delegate on the following groups and committees (non-executive):*

<i>Committee</i>	<i>Councillor representative to December 2021</i>
<i>Municipal Association of Victoria</i>	<i>Mayor Deputy Mayor</i>
<i>Hume Region Local Government Network</i>	<i>Mayor</i>
<i>Rural Councils Victoria (RCV)</i>	<i>Mayor</i>
<i>Alpine Shire Council – Audit and Risk Committee</i>	<i>Cr Charlie Vincent Cr Sarah Nicholas</i>
<i>Alpine Shire Council – Finance Committee</i>	<i>Cr Charlie Vincent Cr Sarah Nicholas</i>
<i>Alpine Shire Council – Community Resilience Committee</i>	<i>Cr Katarina Chalwell</i>
<i>Alpine Children's Services Inc.</i>	<i>Cr Katarina Chalwell</i>
<i>Alpine Alliance (between Council and Alpine Health)</i>	<i>Cr Kelli Prime</i>
<i>Goulburn Broken Greenhouse Alliance</i>	<i>Cr Charlie Vincent Cr Sarah Nicholas</i>
<i>North East Waste and Resource Recovery Group (Forum)</i>	<i>Cr Kelli Prime Cr Sarah Nicholas</i>

2. Council note the following Councillor appointments made by external organisations:

<i>Committee</i>	<i>Councillor representative</i>
<i>Municipal Association of Victoria – Board</i>	<i>Cr Ron Janas (appointed in March 2019 for a two year term) – elected by NE Victorian Councils</i>
<i>MAV Emergency Management Committee</i>	<i>By expression of interest direct to MAV</i>
<i>MAV Environment Committee</i>	<i>By expression of interest direct to MAV</i>
<i>MAV Professional Development Reference Group</i>	<i>By expression of interest direct to MAV</i>

Carried

BACKGROUND / ISSUES

Council Representation

Councillor representation on committees is required for Council's own committees / groups, as well as other external committees.

In addition to discretionary appointments, Council's Mayor holds executive positions on committees / boards / groups as the regional representative. These are non-discretionary appointments and are discussed later in this report.

Appointments

Delegate and committee appointments are focussed on councillors' experience and areas of interest and in some cases, appointments may be made on the basis of maintaining consistency.

Roles and Responsibilities

The roles and responsibilities of councillors will vary depending on the position they are appointed to and it is important that this is understood.

External Legal Entities

Where a councillor or an officer is nominated to the board or executive of a separate legal entity, the nominee may take on fiduciary responsibilities in accordance with the *Corporations (Victoria) Act 1990*, and they are required to act in the best interests of that company or entity.

Council Advisory Committees

There is no formal decision making that can be made in an advisory capacity on behalf of Council, but rather, recommendations arising from the deliberations of the committee may be presented to Council for consideration, deliberation and final adoption.

Responsibilities

Regardless of the type of appointment, councillors are bound by their Code of Conduct and must comply with requirements relating to:

- Declaring conflicts of interest.
- Maintaining confidentiality of information.
- Recognising and abiding by their extent of authority i.e. not making decisions on behalf of Council.

Council appointed delegates to non-executive groups and committees	
Committee	Overview
Municipal Association of Victoria	Non-discretionary appointment
Hume Region Local Government Network	Non-discretionary appointment
Rural Councils Victoria (RCV)	Rural Councils Victoria represents Victoria 37 rural councils, supporting and promoting sustainable, liveable, prosperous rural communities.
Alpine Shire Council – Audit and Risk Committee	An advisory committee of council responsible for: <ul style="list-style-type: none"> • Monitoring compliance of Council policies and procedures with the LGA 2020, regulations, governance principles and Ministerial directions. • Monitoring Council financial and performance reporting. • Monitoring and providing advice on risk management and fraud prevention systems and controls. Overseeing internal and external audit functions.
Alpine Shire Council – Finance Committee	An advisory committee of Council that provides advice on the prudent, fair and transparent management of Council's finances.

Council appointed delegates to non-executive groups and committees	
Committee	Overview
Alpine Shire Council – Community Resilience Committee	The Community Resilience Committee identifies community needs and resource requirements and makes recommendations to recovery agencies, council and recovery managers on strategies and plans regarding community preparedness, recovery and resilience.
Alpine Children’s Services Inc.	A not-for-profit organisation that provides early childhood services to families throughout the Alpine Shire.
Alpine Alliance (between Council and Alpine Health)	Alpine Health provides integrated Acute Health, Community Health and Community and Aged Residential Services for residents and visitors of the Alpine Shire. The alliance presents an opportunity to discuss common interests.
Goulburn Broken Greenhouse Alliance	The Goulburn-Broken Greenhouse Alliance was established in 2007 to promote regional action on climate change and consists of representatives from regional Catchment Management Authorities, DELWP and twelve local government municipalities.
North East Waste and Resource Recovery Group (Forum)	NEWRRG as an organisation is legislated under the <i>Environment Protection Act 1970</i> and is one of seven waste and resource recovery groups in Victoria established under the Act. The role of the Forum is to act as a conduit between the North East WRRG and the councils and alpine resorts within the region.

External Appointments	
Committee	Overview
Municipal Association of Victoria – Board	The MAV is a membership association and the legislated peak body for local government in Victoria. Election of board members is by regional election.
MAV Emergency Management Committee	MAV convenes committees to help inform MAV’s work and build capacity within the sector.
MAV Environment Committee	For more information: https://www.mav.asn.au/who-we-are/networks/board-advisory-committees
MAV Professional Development	

External Appointments	
Committee	Overview
Reference Group	

POLICY IMPLICATIONS

The recommendation is consistent with the in following Strategic Objective of the Council Plan 2017-2021:

- A high performing organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

Councillors are paid an annual allowance and do not receive additional payments for their involvement on council-appointed committees, with the exception of the MAV Board. Resourcing of councillors attending meetings and participating in the activities of these committees is supported by Council's annual budget.

CONSULTATION

Once Council has appointed its representatives, appropriate communication actions will be undertaken.

CONCLUSION

Appointment of councillors as Council's representative on its own advisory committees and project / working groups as well as external entities, associations, advisory and advocacy groups committees must now be made.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Governance Officer

ATTACHMENT(S)

- Nil

8. Informal meetings of Councillors

INTRODUCTION

In accordance with Chapter 8, section A1 of Council's Governance Rules, if there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting, or Community Asset Committee meeting;

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are tabled at the next convenient Council meeting, and are recorded in the minutes of that Council meeting.

Cr Keeble

Cr Prime

That the summary of informal meetings of Councillors for November 2020 be received.

Carried

BACKGROUND

The written records of the informal meetings of Councillors held during the previous month are summarised below. Detailed records can be found in Attachment 8.0 to this report.

Date	Meeting
16 November	Induction Session
17 November	Induction Session
19 November	Induction Session

ATTACHMENT(S)

- 8.0 Informal meetings of Councillors – November 2020

9. Confirmation of minutes

9.1 ORDINARY COUNCIL MEETING – M(11) – (6 OCTOBER 2020) AND SPM(12) - (20 OCTOBER 2020)

Cr Janas

Cr Keeble

That the minutes of Ordinary Council Meeting M(11) held on 6 October 2020 and SPM(12) held on 20 October 2020 as circulated be confirmed.

Carried

10. Questions on Notice

Questions on Notice will be limited to two questions per person.

The gallery is closed to the public and community members are invited to view the meeting online.

Question time will still be held, however questions must be submitted in writing prior to the meeting. Questions on Notice will be limited to two questions per person.

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to questions.

11. General business

12. Motions for which notice has previously been given

13. Reception and reading of petitions

13.1 PETITION FOR REDUCTION OF SPEED ON BUCKLAND VALLEY ROAD

Council has received a petition to reduce the speed on the Buckland Valley Road from 100 km/h.

A report will be tabled at the next Ordinary Council Meeting in December 2020.

14. Documents for sealing

Cr Nicholas

Cr Janas

That the following documents be signed and sealed.

- 1. Section 173 Agreement – Meagan Tamara Thomson and Goulburn Murray Water. Lot: 1 TP: 112454, Lot: 1 PS: 441410, Lots: 1, 2 & 3 TP: 129404 & Lot: 1 TP: 129405, Volume 9484 Folio 452; Volume 9484 Folio 453; Volume 9700 Folio 750; Volume 10558 Folio 628
Condition 22 of Planning Permit 2016.11.1 for a Re-subdivision of Land to form 2 Lots from 6 Lots at 228 & 230 Great Alpine Road, Harrietville.
The Agreement provides for:-
 - the implementation of Bushfire Mitigation measures on Lot A and excludes Lot A from Bushfire exemption.*
 - Wastewater Management.**

Carried

There being no further business the Chairperson declared the meeting closed at 5.03p.m.

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Chairperson