



**NOTICE OF SPECIAL MEETING
(ANNUAL MEETING)**

11 November 2020

To Councillor (Elect),
"as addressed"

NOTICE is hereby given that a **SPECIAL MEETING** of the Hindmarsh Shire Council will be held at the Nhill Memorial Community Centre, 77-79 Nelson Street, Nhill on Wednesday 18 November 2020 commencing at **6:00pm**.



Greg Wood
Chief Executive Officer

AGENDA

1. **Welcome – Chief Executive Officer**

2. **Acknowledgement of the Indigenous Community**

3. **Apologies**

4. **Oath of Office and Councillor Code of Conduct**

5. **Mayoral Term**

6. **Election of Mayor**

7. **Congratulatory remarks to Mayor**

8. Mayoral Response

9. Election of Deputy Mayor

10. Appointment of Delegates to Council Committees and External Organisations

11. Date of Next Annual Meeting

12. Meeting Close

1. WELCOME – CHIEF EXECUTIVE OFFICER

The Chief Executive Officer, Mr Greg Wood, will declare the meeting open.

The Chief Executive Officer will advise that for the first part of the meeting he will act as Chairperson while several formal procedures are completed.

2. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY

Acknowledgement of the Indigenous Community

We acknowledge the Shire's Indigenous community as the first owners of this country. We recognise the important ongoing role that indigenous people have in our community and pay our respects to their elders and people both living and past.

3. APOLOGIES

4. OATH OF OFFICE AND COUNCILLOR CODE OF CONDUCT

Attachment Number: 1 – Oath/Affirmation of Office and Councillor Code of Conduct Declaration

Pursuant to the *Local Government Act 2020*:

Section 30 Oath or Affirmation of Office

- (1) 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 regulations.
- (2) The oath or affirmation of office must be—
 - (a) administered by the Chief Executive Officer; and
 - (b) dated and signed before the Chief Executive Officer; and
 - (c) recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

Section 139 Councillor Code of Conduct

- (6) Until a Council adopts a Councillor Code of Conduct under subsection (4), the Councillors must comply with the existing Councillor Code of Conduct.

Pursuant to the *Local Government (Governance and Integrity) Regulations 2020*:

Section 5 Oath or Affirmation of Office

For the purposes of section 30(1) of the Act, the prescribed manner for taking the oath or affirmation of office is—

- (a) in accordance with the requirements of Part 2 of the Oaths and Affirmations Act 2018; and
- (b) in person or, with the approval of the Chief Executive Officer, by means of an audio visual link; and
- (c) in 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 Act to the best of my skill and judgement."

The Chief Executive Officer, Mr Greg Wood, will now:

1. administer the Oath or Affirmation of Office Declaration, to be made by each individual Councillor, and
2. witness each Councillor's signing of the Oath of Office, stating that they will abide by the Councillor Code of Conduct.

Oath

I swear (or promise) by Almighty God (or the person may name a god recognised by the person's religion) that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community.

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

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

Or

Affirmation

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community.

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

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

Attachment Number: 1

5. MAYORAL TERM

Section 23 (3) of the *Local Government Act 2020* states that before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

RECOMMENDATION:

That the next Mayor of Hindmarsh Shire Council be elected for a one-year term.

6. ELECTION OF MAYOR

Under Part 2 Clause 11 of Hindmarsh Shire Council Governance Rules:

- (1) At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Subject to section 167 of the Act, any Councillor is eligible for the election or re-election to the office of Mayor.
- (3) The election of the Mayor, Deputy Mayor or acting Mayor must be chaired by the Chief Executive Officer.
- (4) The Mayor must be elected by an absolute majority of the Councillors.
 - (a) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
 - (b) If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- (5) In this clause, absolute majority means the number of Councillors which is greater than half the total number of Councillors of Council.
- (6) The Chief Executive Officer will invite nominations for the office of Mayor.
- (7) Every nomination shall require a seconder.
- (8) Any Councillor may refuse nomination.
- (9) The method of voting will be by show of hands.
- (10) In determining the election of Mayor, the following will apply:
 - (a) where two nominations are received, the Councillor with the majority of votes will be declared elected;
 - (b) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot;
 - (c) where there are two or more nominations received and the result has not been determined under (4)(b) and (10)(a) of this clause, the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining

- nominees must be put to the vote again;
- (d) the procedure in paragraph (10)(c) must be repeated until the circumstances in paragraph (10)(b) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with a majority will be declared elected or, if there is an equal division of votes, the election must be determined by lot.
- (11) If it is necessary to determine an election by lot, the Chief Executive Officer must place the names of the remaining candidates in a container and the candidate whose name is drawn first by the Chief Executive Officer will be declared elected as Mayor.
- (12) If the Mayor is unable to attend a Council meeting for any reason:
- (a) any Deputy Mayor will be acting Chair; and
- (b) if no Deputy Mayor has been elected, an acting Chair must be elected.
- (13) Any election of a Deputy Mayor or acting Chair of a Council meeting will follow the same procedure as that for an election of the Mayor.

Chief Executive Officer to call for nominations and conduct the election for Mayor.

(Following declaration of voting, the new Mayor is to assume the Chair).

7. CONGRATULATORY REMARKS TO MAYOR

Councillors may wish to make suitable remarks and congratulate the new Mayor.

8. MAYORAL RESPONSE

The Mayor to respond.

9. ELECTION OF DEPUTY MAYOR

Pursuant to the *Local Government Act 2020*:

Section 20A Office of Deputy Mayor

- (1) A Council may establish an office of Deputy Mayor.
- (2) If the Council has established an office of Deputy Mayor, the provisions of this Act relating to the office of Deputy Mayor apply.

RECOMMENDATION:

That Council elects a Deputy Mayor for the 2020/2021 year.

Under Part 2 Clause 12 of Hindmarsh Shire Council Governance Rules:

- (1) Clause 10, other than subclause (2), applies to the election of a Deputy Mayor by the Councillors as if any reference that clause to the Mayor was a reference to the Deputy Mayor.
- (2) Clause 11 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.

If the recommendation to elect a Deputy Mayor is adopted the Mayor will ask the Chief Executive Officer to conduct the election for a Deputy Mayor.

Chief Executive Officer to call for nominations and conduct the election for Deputy Mayor.

10. APPOINTMENT OF DELEGATES TO COUNCIL COMMITTEES AND EXTERNAL ORGANISATIONS
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The following Council organisations and external committees require the appointment of Council delegates for the period 2020/2021.

It is important that this list of Council appointments to external organisations is as complete as possible, as Council policy provides that travelling expenses and out of pocket expenses are payable for attendance at meetings of these organisations.

A Councillors role with these organisations is to provide strategic input, influencing outcomes that are consistent with goals in Council's Plan, and be a communication conduit between the organisation and Council.

Previous delegates, and appointments, are listed for convenience.

No.	COUNCIL ADVISORY COMMITTEES	2019/2020 DELEGATE	2020/2021 DELEGATE
1	Audit Committee (2 required)	Cr T Schneider Cr D Nelson	
2	Nhill Aerodrome Master Plan Advisory Committee	Cr D Colbert	
3	Wimmera River Advisory Committee	Cr D Nelson	
4	Nhill Town Committee	Cr D Colbert	
5	Dimboola Town Committee	Cr T Schneider	
6	Jeparit Town Committee	Cr R Lowe	
7	Rainbow Town Committee	Cr R Ismay	
8	COVID-19 Community Revitalisation Reference Group	Mayor Cr R Gersch	Mayor

	COMMUNITY ASSET COMMITTEES		
9	Rainbow Civic Centre Committee	Cr R Lowe	
10	Rainbow Recreation Reserve Committee	Cr R Ismay	
11	Wimmera Mallee Pioneer Museum Committee	Cr R Lowe	
12	Yurunga Homestead Committee	No Delegate	
	EXTERNAL ORGANISATIONS		
13	Municipal Association of Victoria	Cr R Gersch	
14	Rural Councils Victoria	Cr R Gersch	
15	North West Municipalities Association	Cr R Gersch	
16	Wimmera Development Association	Cr D Nelson	
17	Wimmera Regional Transport Group	Cr T Schneider	
18	Western Highway Action Committee	Cr R Ismay	
19	Rail Freight Alliance	Cr R Ismay	
20	Wimmera Mallee Tourism Association	Cr R Ismay	
21	Grampians Central West Waste and Resource Recovery Group	Cr R Gersch	
22	Hindmarsh Landcare Network	Cr D Colbert	
23	Wimmera Mallee Sustainability Alliance	Cr D Colbert	
24	Local Learning and Employment Network	Cr D Nelson	

RECOMMENDATION:

That the Council's delegates for 2020/21 as proposed be adopted.

11. DATE OF NEXT ANNUAL MEETING

The date of the next Annual Meeting must be after the fourth Saturday in October and prior to 30 November 2021.

RECOMMENDATION:

That a Special Meeting to elect a Mayor and appoint delegates be held at 6pm Wednesday 10 November 2021 at the Nhill Memorial Community Centre, 77-79 Nelson Street, Nhill.

12. MEETING CLOSE