



Yarriambiack
SHIRE COUNCIL

Minutes

Statutory Meeting of Council

22 NOVEMBER 2023
COUNCIL CHAMBERS
34 Lyle Street, Warracknabeal

We acknowledge that the activities of Yarriambiack Shire Council are being held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people.

MEMBERS OF THE PUBLIC MAY VIEW THE MEETING VIRTUALLY VIA THE LIVESTREAM

.....

OUR VISION

A connected rural community who values its land and wellbeing.

We will achieve this vision through:

- ✓ Supporting agriculture
- ✓ Strengthening business and tourism
- ✓ Staying connected through infrastructure
- ✓ Being a supportive Council
- ✓ Looking after our communities
- ✓ Being environmentally friendly

CONTINUOUS IMPROVEMENT

We drive continuous and sustainable improvement in service provision, operational efficiency, and stakeholder relations to create a leading organisation.

LIVE STREAMING

Council meetings will now be live streamed to allow those interested in viewing proceedings greater access to Council decisions and debate without attending the meeting in person.

Contents

| | | |
|-----------|--|-----------|
| 1 | WELCOME | 4 |
| 2 | STREAMING PREAMBLE | 4 |
| 3 | ACKNOWLEDGEMENT AND PRAYER | 4 |
| 3.1 | Acknowledging Traditional Owners..... | 4 |
| 3.2 | Prayer..... | 4 |
| 4 | PRESENT | 5 |
| 5 | APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE | 5 |
| 6 | OUTGOING MAYORAL REPORT 2023 | 6 |
| 7 | FIXING OF THE MAYORAL TERM | 6 |
| 8 | DETERMINING UPON A DEPUTY MAYORROLE..... | 6 |
| 9 | ELECTION OF MAYOR..... | 7 |
| 10 | ELECTION OF DEPUTY MAYOR – IF DETERMINED | 9 |
| 11 | CONGRATULATORY REMARKS TO THE MAYOR | 10 |
| 12 | MAYORAL RESPONSE | 10 |
| 13 | DEPUTY MAYOR RESPONSE – IF DETERMINED | 10 |
| 14 | NOTICE OF MEETINGS | 11 |
| 15 | COUNCILLOR DELEGATIONS 2023 – 2024 | 12 |
| 16 | Statutory Meeting Closed | 12 |

1 WELCOME

2 STREAMING PREAMBLE

As the meeting Chair, I give my consent for this Open Council Meeting to be streamed live, recorded and published online.

The Chair and/or the Chief Executive Officer have the discretion and authority at any time to direct the termination or interruption of livestreaming. Such direction will only be given in exceptional circumstances, where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory, or potentially inappropriate to be published.

The public can view this livestream via Council's YouTube Channel, with the link available via Council's website. The recording of Council Meetings will be available for viewing until the next scheduled Council Meeting.

Should technical issues prevent the continuation of the stream, the meeting will be adjourned until the issue is resolved or the meeting will be postponed to another time and date in accordance with Council's meeting procedures and Governance Rules.

3 ACKNOWLEDGEMENT AND PRAYER

The CEO opened the meeting at 9:30am by acknowledging the Indigenous Community and offering the opening prayer.

3.1 Acknowledging Traditional Owners

'We acknowledge that the activities of Yarriambiack Shire Council are held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people, and we pay respects to their Elders, past, present and emerging'.

3.2 Prayer

Almighty God, without whom no Council can stand, nor anything prosper we ask that you be present and guide us in our deliberations today. We pray that we will be fair in our judgements and wise in our actions and that decisions will be made with goodwill and a clear conscience for the betterment and welfare of the people of Yarriambiack Shire.

Amen

4 PRESENT

| | | | |
|------------|-----------------|--------------------|-----------|
| Councillor | Kylie Zanker | Warracknabeal Ward | In person |
| Councillor | Andrew McLean | Hopetoun Ward | In person |
| Councillor | Tom Hamilton | Dunmunkle Ward | In person |
| Councillor | Graeme Massey | Warracknabeal Ward | In person |
| Councillor | Chris Lehmann | Hopetoun Ward | In person |
| Councillor | Corinne Heintze | Dunmunkle Ward | In person |
| Councillor | Karly Kirk | Warracknabeal Ward | Online |

| | | | |
|-----------------|------------------|-------------------------|-----------|
| Council Officer | Tammy Smith | Chief Executive Officer | In person |
| Council Officer | Tony Caccaviello | Chief Operating Officer | In person |
| Council Officer | Belinda Penny | Governance Officer | In person |

5 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE

| Name / Role | Description of Leave / Absence |
|--------------------|---------------------------------------|
| Gavin Blinman | Director Special Projects |

6 OUTGOING MAYORAL REPORT 2023

Presented by Cr Kylie Zanker

Outgoing Mayor, Cr Kylie Zanker provided a verbal report of highlights from 2022-2023 year.

7 FIXING OF THE MAYORAL TERM

As per Section 25 (3) a of the *Local Government Act 2020* the election of the Mayor must be chaired by the Chief Executive Officer and must be conducted in accordance with the Governance Rules.

As per Section 26 (3) of the *Local Government Act 2020*, prior to the election of a Mayor, Council must determine by resolution if the Mayor is to be elected for one or two year term.

Governance Rules section 2.2 – Determining the Election of Mayor

- a) The Chief Executive Officer must open the Meeting at which the Mayor is to be elected and preside until the Meeting elects a Mayor.
- b) Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a one-year or a two-year term.

Noting the 2023-2024 Mayor term will be for one (1) year, as the Council elections will be held in October 2024.

Recommended Motion:

That Council determine the Mayor be elected for a one (1) year term.

Resolution:

Moved Cr T Hamilton Seconded Cr C Heintze

That the recommendation be adopted

Carried

8 DETERMINING UPON A DEPUTY MAYORROLE

As per Section 20A of the *Local Government Act 2020*, Council must determine to establish an office of the Deputy Mayor by resolution.

Motion:

- a) That Council determine to establish an office of the Deputy Mayor.
- b) That Council determine the Deputy Mayor be elected for a one (1) year term.

Alternative Motion:

- a) That Council determine not to establish an office of the Deputy Mayor.

Resolution

Moved Cr C Lehmann Seconded Cr A McLean that Council determines not to establish an office of the Deputy Mayor

That the recommendation be adopted

Carried

9 ELECTION OF MAYOR

Section 25 of the *Local Government Act 2020* states 'At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of Council'

Governance Rules Part A – Election of Mayor

- a) The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

Governance Rules section 2.2.1 - The procedure for the election of the Mayor

- a) The Chief Executive Officer must invite nominations for the office of Mayor (each of which must be seconded). If there is only one nomination, the candidate nominated is to be declared elected.
- b) If there is more than one nomination, a vote of the Councillors present at the meeting will be held.
- c) In the event of a candidate receiving an Absolute Majority of the votes, that candidate is to be declared elected.
- d) In the event that no candidate receives an Absolute Majority of the votes, the candidate with the fewest number of votes is to be declared a defeated candidate. A further vote of the Councillors present at the meeting will be held.
- e) If one of the remaining candidates receives an Absolute Majority of the votes, he or she is to be declared elected. If none of the remaining candidates receives an Absolute Majority of the votes, the process of declaring the candidate 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 be elected.
- f) In the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the declaration will be determined by lot.

Nominations will be invited for office of Mayor for 2023/2024.

Process for Nomination:

Cr G Massey nominated Cr K Zanker as Mayor for 2023/24 term, seconded C Heintze.

Cr K Zanker accepts the nomination.

Cr C Lehmann nominated Cr A McLean as Mayor for 2023/24 term, seconded T Hamilton.

Cr A McLean accepts the nomination.

Once nominations are received, voting will be put to Councillors and will be undertaken by show of hands.

Nominees will be called in alphabetical order.

The Councillor with the absolute majority will be declared elected.

A show of hands was asked for Cr A McLean as Mayor for the 2023/24 term.

C Lehmann

A McLean

A show of hands was asked for Cr K Zanker as Mayor for the 2023/24 term.

T Hamilton

G Massey

C Heintze

K Kirk

K Zanker

Resolution

That Cr K Zanker, by absolute majority become duly elected as Yarriambiack Shire Council Mayor for 2023/2024 Term.

Carried

10 ELECTION OF DEPUTY MAYOR – NOT DETERMINED

Governance Rules 2.2.2 - Procedures for election of Deputy Mayor

The procedure used for the election of Mayor will be used to elect a deputy Mayor, If Council determines that the position of Deputy Mayor is required.

Nominations will be invited for office of Deputy Mayor for 2023/2024.

Councillors adopted to not elect a Deputy Mayor for the 2023/24 term.

11 CONGRATULATORY REMARKS TO THE MAYOR

Councillors may wish to offer their congratulations to the newly elected Mayor followed by the Chief Executive Officer.

Cr Kylie Zanker, newly elected Mayor presided over the remainder of the Statutory Council Meeting.

12 MAYORAL RESPONSE

Mayor to acknowledge congratulations and to address meeting.

13 DEPUTY MAYOR RESPONSE – NOT DETERMINED

Councillors adopted to not elect a Deputy Mayor for the 2023/24 term.

14 NOTICE OF MEETINGS

SUMMARY

At the Council Meeting to elect the Mayor, Council must fix the date, time and place of all Council Meetings and Delegated Committee Meetings for the following year, which may be amended where the circumstances require.

The proposed Council Meeting Schedule for the following year is tabled for Council review and consideration.

Recommended Motion:

That Council adopts the Council Meeting Schedule as tabled below, for the Council Forum and Council Meeting dates for 2024.

Resolution:

Moved Cr T Hamilton Seconded Cr G Massey

That the recommendation be adopted

Carried

| Forums 2024 | | Meetings 2024 |
|---|--|----------------------------|
| No meetings will be held in January, unless an unscheduled meeting is required. | | |
| February 14th | | February 28 th |
| March 13 th | | March 27 th |
| April 10 th | | April 24 th |
| May 8 th | | May 22 nd |
| June 12 th | | June 26 th |
| July 10 th | | July 24 th |
| August 14 th | | August 28 th |
| September 11 th | | September 25 th |
| October 9 th | | October 23 rd |
| November 13 th | | November 27 th |
| December 4th | | December 18 th |

15 COUNCILLOR DELEGATIONS 2023 – 2024

Council makes a series of appointments to Regional and State bodies as detailed below.

It is appropriate that Council representatives and alternate representatives to these bodies be appointed, as well as the CEO or an Officer of Council in certain cases.

Councillor Delegations 2023-24 are outlined below. The term of the appointment is twelve months commencing from 22 November 2023 Council meeting.

Recommended Motion:

- a) That Council adopts the Councillor Delegations as tabled below, for the 2023-2024 term, to commence from 22 November 2023.
- b) That Council endorse formally dissolving the Access and Inclusion Reference Group as of 22 November 2023, acknowledging the Access and Inclusion Plan has now been updated and was adopted by Council on 25 October 2023.
- c) That Council appoint the Mayor, Cr K Zanker as the Municipal Association Victoria Delegate and appoint the accepted nominated Councillor as substitute for the Municipal Association Victorian in the Mayor's absence.

Cr T Hamilton nominated Cr A McLean as Municipal Association Victoria Delegate substitute for 2023/24 term, Seconded C Heintze

Cr A McLean accepted the nomination.

Resolution:

Moved Cr C Lehmann Seconded Cr C Heintze

That the recommendation and nominated substitute be adopted

Carried

| Delegation | Councillor Delegate |
|--|--|
| GWM Water Regional Recreation Water Users Group | Corinne Heintze |
| Internal Audit and Risk Committee | Kylie Zanker and Corinne Heintze |
| Municipal Association of Victoria | Mayor, Kylie Zanker - Substitute Cr Andrew McLean |
| Rail Freight Alliance | Tom Hamilton and Chief Executive Officer (CEO) or CEO's delegate |
| Seasonal Conditions Committee | Corinne Heintze |
| Sunraysia Highway Improvement Committee | Andrew McLean |
| Wimmera Southern Mallee Development | Tom Hamilton |
| Wimmera Mallee Tourism Association | Graeme Massey |
| Wimmera Southern Mallee Regional Transport Group | Corinne Heintze |
| Western Highway Action Committee | Kylie Zanker |
| Yarrilinks – Yarriambiack Landcare Group | Corinne Heintze |
| Yarriambiack Tourism Advisory Committee of Council | Graeme Massey (Chair), all Councillors can attend as observers |
| Council Youth Action Committee (noting currently in recess) | Kylie Zanker |
| Mallee Catchment Association | Andrew McLean |
| West Vic Business Advisory Committee of Council | Karly Kirk |

16 Statutory Meeting Closed 9:50am