

SOUTH GIPPSLAND SHIRE COUNCIL

Special Meeting of Council

Endorse Member to the Rating Strategy Steering Committee

MINUTES

6 December 2017

Council Chambers, Leongatha

Commenced at 12.15pm



minutes



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



MISSION

South Gippsland Shire will be a place where our quality of life and sense of community are balanced by sustainable and sensitive development, population and economic growth.

Privacy

Council is required to keep minutes of each Council meeting. The minutes contain details of proceedings which may include personal information about community members disclosed as part of presentations, submissions and questions. The minutes of Council meetings are a public record and can be inspected by members of the public.

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "*Sound Recording of Council Meetings*".

A copy of this policy is located on Council's website www.southgippsland.vic.gov.au.

PRESENT

COUNCILLORS:

Cr Lorraine Brunt, Mayor Cr Aaron Brown, Deputy Mayor Cr Ray Argento Cr Meg Edwards Cr Don Hill Cr Maxine Kiel Cr Andrew McEwen Cr Jeremy Rich Cr Alyson Skinner
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COUNCILLORS
NOT PRESENT:

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OFFICERS:

Tim Tamlin, Chief Executive Officer Faith Page, Director Corporate and Community Services Director Rick Rutjens, Executive Support and Community Information Manager Natasha Berry, Corporate and Council Business Officer Jodi Cumming, Corporate and Council Business Officer

SOUTH GIPPSLAND SHIRE COUNCIL

Special Meeting of Council
Wednesday 6 December 2017
Council Chambers, Leongatha
Commenced at 12.17pm

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Tim Tamlin
Chief Executive Officer

1. PRELIMINARY MATTERS

This Council Meeting is being streamed live, recorded and published in accordance with Council's *Live Streaming in Council Meetings Policy*.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the live stream and recording.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. 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.

Attendees are advised that they may be subject to legal action if their actions results in inappropriate and/or unacceptable behaviour and/or comments.

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

1.2. WELCOME

Please ensure Mobile phones remain 'off' during the Council Meeting.

1.3. OPENING PRAYER

We pray to God to guide us so that the thoughts we have and the decisions made this day, are in the best interests of the people of the South Gippsland Shire.

Amen

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The South Gippsland Shire Council respectfully acknowledges the Traditional Custodians of this Land, Elders past and present, their Spirits and Ancestors.

1.5. REQUESTS FOR LEAVE OF ABSENCE

Nil

1.6. APOLOGIES

Nil

1.7. DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989 (the Act). This legislation can be obtained by contacting the Council's Corporate & Community Services Directorate (Council Business) or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au.

An interest may be by close association, financial, conflicting duties or receipt of gifts. If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from Council Business Department at South Gippsland Shire Council).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

The Councillor or staff member will be advised to return to the Council Chamber or Meeting room immediately after the item has been considered and the vote is complete.

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend. Detailed information is available in *Conflict of Interest – A Guide for Councillors – October 2012*.

Nil

1.8. DECLARATION OF CONFLICT OF INTEREST FOR STAFF

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and/or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest, it is the responsibility of that staff member to disclose the interest.

Guidance to identifying and disclosing a conflict of interest is contained in the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

Nil

2. COUNCIL REPORTS

2.1. ENDORSE MEMBER TO THE RATING STRATEGY STEERING COMMITTEE

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council sought applications to join the Rating Strategy Steering Committee which concluded on 29 September 2017. At the Ordinary Meeting of Council 25 October 2017, Council resolved to appoint six community members from the nominations received, an independent non-voting chairperson and three Councillors.

Due to the subsequent resignation of one community member, a replacement is being sought.

RECOMMENDATION

That Council:

1. Acknowledge the resignation of member Vincent Morfuni from the Rating Strategy Steering Committee; and
2. Appoints <insert name> as the replacement Committee Member.

MOVED: Cr Edwards

SECONDED: Cr Skinner

THAT STANDING ORDERS BE SUSPENDED.

CARRIED UNANIMOUSLY

Discussions ensued, the Rating Strategy Steering Committee, Terms of Reference was referenced.

The Mayor advised that one of the nominees, Mohya Davies withdrew her nomination prior to this Special Meeting of Council.

Cr Ray Argento attended the Council Meeting at 12.31pm.

MOVED: Cr Edwards

SECONDED: Cr Skinner

THAT STANDING ORDERS RESUME.

CARRIED UNANIMOUSLY

MOVED: Cr McEwen

CARRIED: Cr Hill

THAT COUNCIL:

- 1. ACKNOWLEDGE THE RESIGNATION OF MEMBER VINCENT MORFUNI FROM THE RATING STRATEGY STEERING COMMITTEE; AND**
- 2. APPOINTS WILLIAM (BILL) IRVING AS THE REPLACEMENT COMMITTEE MEMBER.**

Cr Edwards foreshadowed a Motion, if the Motion before the Chair is LOST that she would move the following Motion.

THAT COUNCIL:

- 1. ACKNOWLEDGE THE RESIGNATION OF MEMBER VINCENT MORFUNI FROM THE RATING STRATEGY STEERING COMMITTEE; AND**
- 2. APPOINTS A REPLACEMENT COMMITTEE MEMBER BY WAY OF VOTE.**

MOVED: Cr Argento

THAT THE MOTION BE NOW PUT.

CARRIED

FOR: Councillors Kiel, Skinner, Argento, Brown, Brunt and Edwards.

AGAINST: Councillors McEwen, Rich and Hill.

MOVED: Cr McEwen

CARRIED: Cr Hill

THAT COUNCIL:

- 1. ACKNOWLEDGE THE RESIGNATION OF MEMBER VINCENT MORFUNI FROM THE RATING STRATEGY STEERING COMMITTEE; AND**
- 2. APPOINTS WILLIAM (BILL) IRVING AS THE REPLACEMENT COMMITTEE MEMBER.**

LOST

FOR: Councillors McEwen, Brown, Rich and Hill.

AGAINST: Councillors Kiel, Skinner, Argento, Brunt and Edwards.

MOVED: Cr Edwards

SECONDED:

THAT COUNCIL:

- 1. ACKNOWLEDGE THE RESIGNATION OF MEMBER VINCENT MORFUNI FROM THE RATING STRATEGY STEERING COMMITTEE; AND**
- 2. APPOINTS A REPLACEMENT COMMITTEE MEMBER BY WAY OF BALLOT.**
- 3. APPOINTS THE CHIEF EXECUTIVE OFFICER (CEO) TO CONDUCT AN EXHAUSTIVE BALLOT.**
- 4. APPOINTS THE SUCCESSFUL APPLICANT AS THE REPLACEMENT COMMITTEE MEMBER AS DECLARED BY THE CEO FOLLOWING THE BALLOT.**

MOVED: Cr McEwen

SECONDED: Cr Skinner

THAT STANDING ORDERS BE SUSPENDED.

CARRIED UNANIMOUSLY

Discussion ensued to determine and finalise the wording of the foreshadowed Motion.

MOVED: Cr Skinner

SECONDED: Cr Kiel

THAT STANDING ORDERS RESUME.

CARRIED UNANIMOUSLY

MOVED: Cr Edwards

SECONDED: Cr Skinner

THAT COUNCIL:

- 1. ACKNOWLEDGE THE RESIGNATION OF MEMBER VINCENT MORFUNI FROM THE RATING STRATEGY STEERING COMMITTEE; AND**
- 2. APPOINTS A REPLACEMENT COMMITTEE MEMBER BY WAY OF BALLOT.**
- 3. APPOINTS THE CHIEF EXECUTIVE OFFICER (CEO) TO CONDUCT AN EXHAUSTIVE BALLOT.**
- 4. APPOINTS THE SUCCESSFUL APPLICANT AS THE REPLACEMENT COMMITTEE MEMBER AS DECLARED BY THE CEO FOLLOWING THE BALLOT.**

CARRIED

FOR: Councillors Brown, Argento, Skinner, Brunt, Kiel and Edwards.

AGAINST: Councillors McEwen and Rich.

ABSTAIN: Councillor Hill

VOTE BY BALLOT

The Chief Executive Officer (CEO) read out the names of the 3 candidates:

- 1. Frank Oostermeyer**
- 2. Megan Knight**
- 3. William (Bill) Irving**

CEO called for votes for nominee, Frank Oostermeyer. Cr Rich voted in favour of Frank Oostermeyer.

CEO called for votes for Megan Knight. Councillors Kiel, Edwards, Brunt, Skinner and Argento voted in favour of Megan Knight.

CEO called for votes for William (Bill) Irving. Councillors Hill, Brown and McEwen voted in favour of William (Bill) Irving.

The CEO announced that Megan Knight received the majority of votes, and as such is declared the successful applicant appointed as the replacement Rating Strategy Steering Committee member.

REPORT

At the Ordinary Council Meeting held 25 October 2017, it was resolved:

That Council:

1. *Appoint six nominees to the Rating Strategy Steering Committee from the nine applicants;*
 - a. *David Lewis*
 - b. *Dr. Murray Hooper*
 - c. *Gordon Vagg*
 - d. *Barry Gilbert*
 - e. *Vincent Morfuni*
 - f. *Ralph Gallagher*
2. *Appoint Frances O'Brien QC to the Rating Strategy Steering Committee in the role of Independent non-voting Chairperson; and*
3. *Appoint three Councillors to serve on the Rating Strategy Steering Committee.*
 - a. *Councillor Maxine Kiel*
 - b. *Councillor Alyson Skinner*
 - c. *Councillor Don Hill*

On 16 November 2017, Vincent Morfuni resigned from the Rating Strategy Steering Committee. Subsequently, the Committee agreed to advertise this vacancy, as outlined in the Terms of Reference, until 27 November 2017 and encouraged previous nominees to re-apply.

Four applications were received and distributed to the Committee for discussion at the meeting held on 29 November 2017 at 7.00pm.

A summary of the nominees:

1. **Mohya Davies** – eight years' experience as a Coastal Promontory Ward Councillor in South Gippsland and good knowledge of Local Government. Mohya has nominated to represent the following rate payer categories:
 - a. Farming
 - b. Commercial
 - c. Residential
 - d. Chamber of Commerce

2. **Frank Oostermeyer** – experience working with committees on submissions to Council. Presented a section 223 submission to Council relating to rates. Good understanding of the impact of rates and the needs of ratepayers. Frank believes he can contribute to achieve a balanced outcome. Frank has nominated to represent the following rate payer categories:
 - a. Farming
 - b. Residential
 - c. Fixed Income Retiree

3. **Megan Knight** – background in corporate finance, IT and strategic planning with experience in providing advice to Government and organisations on rural strategy. Meg has an interest in the equitable distribution of rates across the Shire. Meg has nominated to represent the following rate payer categories:
 - a. Farming
 - b. Fixed Income Retiree

4. **William (Bill) Irving** – various positions held in management, consulting and on boards including local trading, risk and the wheat, stock feed, milling and barley industries. Bill believes he can contribute consensus decision making. Bill has nominated to represent the following rate payer categories:
 - a. Farming
 - b. Residential
 - c. Fixed Income Retiree

A majority vote of the Rating Strategy Steering Committee members on 29 November 2017, identified Mr William (Bill) Irving as the preferred candidate to represent the diverse needs and rate-payer categories of the South Gippsland Community. The Committee recommends this nomination to Council.

CONSULTATION

The four applications were discussed by current Members at the Rating Strategy Steering Committee Meeting held on 29 November 2017.

RISKS

The risk of not replacing a Committee Member may result in unresolved decisions if voting is tied.

Under s.89(4A) of the Local Government Act 1989, the urgent appointment of a replacement Committee Member is required prior to the next Committee Meeting scheduled on 14 December 2017.

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Council Plan 2017-2021

Rating Strategy Steering Committee Meeting – Terms of Reference

Legislative Provisions

Local Government Act 1989

3. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 20 December 2017 commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 1.15pm.

Confirmed this 20th day of December 2017.

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Mayor, Cr Lorraine Brunt