

# **Annual Statutory Council Meeting**

## **Minutes**

**Monday 25 November 2024**

**Commenced at 7:00 PM**

**Council Chambers  
20 Siding Avenue, Officer  
Victoria**

**Members:** Cr Brett Owen  
Cr Alanna Pomeroy  
Cr Collin Ross  
Cr Liz Roberts  
Cr Samantha-Jane Potter  
Cr Jack Kowarzik  
Cr David Nickell  
Cr Casey Thomsen  
Cr Trudi Paton

<b>Officers:</b>	Carol Jeffs	Chief Executive Officer
	Peter Benazic	General Manager Infrastructure and Environment
	Debbie Tyson	General Manager Community and Planning Services
	Wayne Mack	General Manager Corporate Services
	Peter Harris	Manager Governance, Safety & Property

Meeting opened at 7.00pm.

## Order of Business

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## **1 Opening and Prayer**

In accordance with Section 30(2)(c) of the Local Government Act 2020, the CEO advised that all Councillors were sworn in as Councillors of Cardinia Shire Council on 12 November 2024 by taking the Oath of Office.

I would ask those gathered to join us now for a few moments of silence as we reflect on our roles in this chamber. Please use this opportunity for reflection, Prayer or thought, to focus on our shared intention to work respectfully together for the well-being of our whole community.

## **2 Acknowledgements**

Cardinia Shire Council acknowledges that we are on the traditional land of the Bunurong and Wurundjeri people and pay our respects to their elder's past, present and emerging.

## **3 Apologies**

Nil

## **4 Declaration of Interests**

There were no declared conflicts of interest.

## 5 Ordinary Business

# 5.1 Determination of the Period of Office for Mayor and Deputy Mayor

**Responsible GM:** Wayne Mack  
**Author:** Sharyn Tilley

### Recommendation(s)

That Council determine the term of office for the Mayor and Deputy Mayor as being for one year.

### Executive Summary

Section 25 of the Local Government Act 2020 requires Councillors to elect a Mayor of the Council.

Before a Mayor is elected, section 26(3) states that Council must determine by resolution whether the Mayor is to be elected for a one year or a two year term.

Section 27 refers to any reference to the Mayor in sections 25 and 26 of the Act other than section 25(3)(a) is also a reference to the Deputy Mayor.

Therefore, if the Mayor is elected for a one year term, it is taken that the Deputy Mayor is also elected for that period.

This report recommends that the Council elect a Mayor for a one year term from 25 November 2024.

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.

### Background

The current Council was declared to Office 11 November 2024 and undertook their Oath or Affirmation of Office on 12 November 2024. This Oath or Affirmation allowed each elected Candidate to take up their position of Councillor.

### Policy Implications

The Determination of the Period of Office for Mayor and Deputy Mayor is undertaken in accordance with the Local Government Act 2020.

### Financial and Resource Implications

The Mayor, Deputy Mayor and Councillors are entitled to an allowance, training and education opportunities, as well as reimbursement of expenses incurred in completing their role. These costs are included in Council's operating budget.

### Relevance to Council Plan

#### 5.1 We practise responsible leadership

5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

### **Climate Emergency Consideration**

There is no Climate Emergency consideration as part of this process.

### **Consultation/Communication**

No consultation is required as part of this statutory process.

### **Conclusion**

It is recommended that Council determine the term of office for the Mayor as being for one year

### **Attachments**

Nil

### **Resolution**

Moved Cr Collin Ross, seconded Cr Brett Owen.

That Council determine the term of office for the Mayor and Deputy Mayor as being for one year.

For: Cr Brett Owen, Cr Collin Ross, Cr David Nickell, Cr Jack Kowarzik, Cr Liz Roberts, Cr Samantha-Jane Potter, Cr Alanna Pomeroy, Cr Casey Thomsen and Cr Trudi Paton  
Against: Nil

Carried

## 5.2 Election of the Mayor

**Responsible GM:** Wayne Mack  
**Author:** Sharyn Tilley

### Recommendation(s)

That Council:

1. Calls for nominations for the election of the Mayor and, if required undertakes the election process.
2. Confirms Cr \_\_\_\_\_ to the position of Mayor effective immediately until the next election of the Mayor which 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.

### Executive Summary

The purpose of this report is to call for nominations for the election of the Mayor, undertake the election process (if more than one nominee) and appoint a Councillor to the position of Mayor.

### Background

Section 25 of the Local Government Act 2020 (the Act) requires Councillors to elect a Mayor of the Council. Section 26 determines the timing for the election. Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.

The election of the Mayor must be chaired by the Chief Executive Officer and subject to section 25, be conducted in accordance with the Governance Rules. Once the Mayor has been elected, they will assume the position of Chair.

Section 18 of the Act 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 is consistent with the Model 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.

Section 19 of the Act 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.

Section 27 of the Act prescribes mandatory training for all Mayors.

(1) A Mayor and any Deputy Mayor or Acting Mayor must complete Mayoral training—

(a) in the case of the Mayor or a Deputy Mayor, within one month after their election as Mayor or Deputy Mayor;

For the purposes of section 27 of the Act, the prescribed matters are the following—

(a) roles and responsibilities;

(b) chairing meetings;

(c) engagement and advocacy;

(d) leadership;

(e) any other matter relating to the role of the Mayor which the Chief Executive Officer has determined should be addressed.

### **Policy Implications**

The election of the Mayor is undertaken in accordance with the Governance Rules.

### **Financial and Resource Implications**

The Mayoral allowance is set by the Victorian Independent Remuneration Tribunal. Cardinia Shire Council is a category 3 Council. The Mayoral allowance is currently set at \$134,954 until 17 December 2024. This increases to \$138,506 for the period 18 December 2024 to 17 December 2025.

The Mayor is provided with resources and support as outlined in the Council Expenses Policy. These costs are contained within Council's operating budget.

## **Relevance to Council Plan**

### **5.1 We practise responsible leadership**

5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

## **Climate Emergency Consideration**

There is no Climate Emergency consideration as part of this process.

## **Consultation/Communication**

No consultation is required as part of this statutory process.

## **Conclusion**

It is recommended that the Chief Executive Officer calls for nominations for the election of the Mayor.

## **Attachments**

Nil

## **Resolution**

Cr Jack Kowarzik was nominated as Mayor by Cr Liz Roberts and seconded by Cr Collin Ross.

Moved Cr Liz Roberts, seconded Cr Collin Ross.

That Council:

1. Calls for nominations for the election of the Mayor and, if required undertakes the election process.
2. Confirms Cr Jack Kowarzik to the position of Mayor effective immediately until the next election of the Mayor which 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.

For: Cr Brett Owen, Cr Collin Ross, Cr David Nickell, Cr Jack Kowarzik, Cr Liz Roberts, Cr Samantha-Jane Potter and Cr Trudi Paton

Against: Nil

Carried

Cr Jack Kowarzik was the only nomination received and was therefore declared elected as Mayor of Cardinia Shire Council for a one-year term.

Mayor, Cr Jack Kowarzik took the Chair.

## 5.3 Election of the Deputy Mayor

**Responsible GM:** Wayne Mack  
**Author:** Sharyn Tilley

### Recommendation(s)

That Council:

1. Calls for nominations for the election of Deputy Mayor and, if required, undertakes the election process.
2. Confirms Cr \_\_\_\_\_ to the position of Deputy Mayor effective immediately until the next election of the Deputy Mayor which 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.

### Executive Summary

The purpose of this report is to call for Deputy Mayor nominations, undertake the election process (where required) and appoint a Councillor as Deputy Mayor.

### Background

Section 20A of the Local Government Act 2020 (the Act) allows for Council to establish an office of Deputy Mayor.

Section 25, other than subsection (3)(a), applies to the election of a Deputy Mayor by the Councillors as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

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.

Section 21 of the Act sets out the role 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.

Section 27 of the Act prescribes mandatory training for all Deputy Mayor.

(1) A Mayor and any Deputy Mayor or Acting Mayor must complete Mayoral training—

- (a) in the case of the Mayor or a Deputy Mayor, within one month after their election as Mayor or Deputy Mayor;

For the purposes of section 27 of the Act, the prescribed matters are the following—

- (a) roles and responsibilities;
- (b) chairing meetings;
- (c) engagement and advocacy;
- (d) leadership;
- (e) any other matter relating to the role of the Mayor which the Chief Executive Officer has determined should be addressed.

### **Policy Implications**

The process to elect a Deputy Mayor is set out in the Governance Rules.

### **Financial and Resource Implications**

The Deputy Mayor allowance is set by the Victorian Independent Remuneration Tribunal. Cardinia Shire Council is a category 3 Council. The Deputy Mayor Allowance is currently set at \$67,477 per annum until 17 December 2024. This increases to \$69,252 for the period 18 December 2024 to 17 December 2025.

The Deputy Mayor is provided with resources and support as outlined in the Council Support and Resources Policy. These costs are contained within Council's operating budget.

### **Relevance to Council Plan**

#### **5.1 We practise responsible leadership**

5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

### **Climate Emergency Consideration**

There are no Climate Emergency considerations as part of this process.

### **Consultation/Communication**

No consultation is required for this statutory process.

### **Conclusion**

It is recommended that Mayor calls for nominations for the election of the Deputy Mayor.

### **Attachments**

Nil

### **Resolution**

Cr Alanna Pomeroy was nominated as Deputy Mayor by Cr Trudi Paton and seconded by Cr Brett Owen.

Cr Collin Ross was nominated as Deputy Mayor by Cr David Nickell and seconded by Cr Samantha-Jane Potter.

The Mayor invited each Councillor to speak to their nomination.

The Mayor put the nominations to the vote.

Cr Alanna Pomeroy received an absolute majority of the vote.

Moved Cr Trudi Paton, seconded Cr Brett Owen.

That Council:

1. Calls for nominations for the election of Deputy Mayor and, if required, undertakes the election process.
2. Confirms Cr Pomeroy to the position of Deputy Mayor effective immediately until the next election of the Deputy Mayor which 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.

Carried

Cr Alanna Pomeroy was declared elected as Deputy Mayor of Cardinia Shire Council for a one-year term.

## 5.4 Delegated Committee Appointment - Audit and Risk Committee and My Community Library Ltd

**Responsible GM:** Wayne Mack

**Author:** Sharyn Tilley

### Recommendation(s)

That Cr \_\_\_\_\_ and Cr \_\_\_\_\_ be appointed delegates to the Audit and Risk Committee.

That Cr \_\_\_\_\_ be appointed delegate to My Community Library Ltd (Myli).

### Executive Summary

The purpose of this report is to appoint Councillors as delegates to the Audit and Risk Committee and My Community Library Ltd (Myli).

### Background

Councillor representation is required for a range of internal and external committees. These delegate appointments are made at the first Ordinary Council Meeting to be held on 16 December 2024. However, the Audit and Risk Committee and Myli have meetings scheduled for early December 2024. Therefore, these two committee appointments need to occur prior to the Ordinary Council Meeting.

### Audit and Risk Committee

Council has established an Audit & Risk Committee (the Committee) pursuant to Section 53 of the Local Government Act 2020 (the Act) to support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements. It acts in this capacity by monitoring, reviewing, endorsing and advising on the above matters.

### My Community Library Ltd (Myli)

Myli is a charitable and not-for-profit entity established to operate one or more Public Libraries. Myli makes available public library resources, services and programs aimed at meeting the needs of the community, local government, schools and other persons or institutions, so that they are supported to grow and thrive.

Myli has four Member Councils being, Bass Coast Shire Council, Baw Baw Shire Council, Cardinia Shire Council and South Gippsland Shire Council.

### Policy Implications

There are no policy implications as part of this report.

### Financial and Resource Implications

There are no financial or resource impacts as part of this report.

### Relevance to Council Plan

#### 5.1 We practise responsible leadership

5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

### **Climate Emergency Consideration**

There are no Climate Emergency considerations as part of this report.

### **Consultation/Communication**

No consultation is required for this process.

### **Conclusion**

Councillor representation is required for the Audit and Risk Committee and Myli to ensure Council is represented at their meetings to be held in early December 2024. It is recommended that the Mayor calls for nominations for these positions and that Council adopt delegates for these committees.

### **Attachments**

Nil

### **Resolution**

The Mayor called for nominations for delegates to the Audit and Risk Committee and My Community Library Ltd (Myli).

Cr Trudi Paton and Cr David Nickell nominated themselves as delegates for the Audit and Risk Committee.

Cr Alanna Pomeroy nominated herself as delegate for My Community Library Ltd (Myli).

Moved Cr Collin Ross, seconded Cr Samantha-Jane Potter.

That Cr Trudi Paton and Cr David Nickell be appointed delegates to the Audit and Risk Committee.

That Cr Alanna Pomeroy be appointed delegate to My Community Library Ltd (Myli).

For: Cr Collin Ross, Cr Samantha-Jane Potter, Cr Trudi Paton, Cr David Nickell, Cr Jack Kowarzik, Cr Casey Thomsen, Cr Brett Owen, Cr Liz Roberts, Cr Alanna Pomeroy  
Against: Nil

Carried

## 6 Meeting Closure

Meeting closed at 7.20pm.

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Minutes confirmed  
Mayor of Cardinia Shire Council