

Council Meeting

Agenda

Meeting No. 639

20 November 2024

Commencing 6.00pm

Council Chamber

301 Hampshire Road, Sunshine,
Victoria

Fiona Blair
Chief Executive Officer
15 November 2024

Welcome to this Council Meeting

Brimbank City Council respectfully acknowledges and recognises the Wurundjeri and Bunurong Peoples as the Traditional Custodians of this land and pays respect to their Elders, past, present and future.

The purpose of this meeting is for Council to:

- elect the next Mayor;
- decide whether to establish the position of Deputy Mayor, and if established, to elect the next Deputy Mayor; and
- consider the appointment of Council delegates and representatives to the LeadWest Joint Delegated Committee and the Audit and Risk Committee.

The Brimbank Governance Rules set out the way Council Meetings run and the conduct expected of the Council and members of the public.

Council Chamber is open to members of the public to attend and observe Council Meetings.

Council will continue to live stream Council Meetings for members of the public to view from home in accordance with the Live Streaming of Council Meetings Policy. We encourage anyone with COVID-19 symptoms to get tested and stay home, and watch the live stream of the meeting, instead of attending the meeting in person.

Members of the public (including media) wishing to record a Council Meeting (audio or video) must seek approval from the Chair prior to the meeting. Only if the Chair grants permission is recording allowed, and the Chair will advise everyone in attendance (for privacy reasons).

The Council

The current Council was elected for a four year term.

The Councillors were sworn in on 13 November 2024.

The Chief Executive Officer will initially chair this meeting. Once a Mayor is elected, the Mayor will chair the remainder of the meeting. The Chair is responsible for ensuring Council Meetings are run in accordance with the Brimbank Governance Rules.

Voting

For each decision Council makes, a Councillor will first propose (move) a motion. The motion must be seconded by another Councillor before it can be discussed and decided on. Voting on a motion is always by a show of hands.

Streaming

Council Meetings are streamed live and as video on demand to offer everyone who cannot attend a meeting in person an opportunity to watch at their own convenience Council debate and decision-making. Meetings can be accessed on Council's YouTube channel at <http://www.youtube.com/c/BrimbankCityCouncil>.

Council

Cr Joh Bauch
Cr Victoria Borg
Cr Thuy Dang
Cr Maria Kerr
Cr Daniel Kruk
Cr Lucy Nguyen
Cr Katharine Nikolic
Cr Duyen Anh Pham
Cr Ranka Rasic
Cr Virginia Tachos
Cr Kim Thien Truong

Executive Leadership Team

Ms Fiona Blair	Chief Executive Officer
Ms Lynley Dumble	Director Community Wellbeing
Ms Georgie Hill	Director People, Partnerships and Performance
Mr Chris Leivers	Director Infrastructure and City Services
Mr Mark Stoermer	Director Corporate Services
Mr Kelvin Walsh	Director City Futures

Governance Team

Mr Danny Bilaver	Manager Governance and Risk
Mr Tony Vo	Coordinator Council Business
Ms Natalie Horvatic	Council Business Officer

Table of Contents

1	Opening (Including Acknowledgement Of Country)	5
2	Council Commitment	5
3	Apologies/Leave Of Absence	5
4	Disclosure Of Conflicts Of Interest	5
5	Term Of Mayor	5
6	Mayoral Election	5
7	Mayoral Commencement Address	7
8	Determination Of Position Of Deputy Mayor	7
9	Election Of Deputy Mayor (If Position Established)	7
10	Officer Reports	8
	10.1 Appointment To Committees	8
11	Meeting Closure	11

Order of Business

1 Opening (Including Acknowledgement Of Country)

The Chief Executive Officer will initially act as Chair of the meeting and facilitate the election of the Mayor. The Chair will request Council stand for the acknowledgement of Country and the Council Commitment.

On behalf of Brimbank City Council, I respectfully acknowledge and recognise the Wurundjeri and Bunurong Peoples as the Traditional Custodians of this land and pay respect to their Elders, past, present and future.

2 Council Commitment

As the Council, you will act in the best interests of the Brimbank community and consider the immediate and long term impacts of your decisions. You will make these decisions fairly and without bias.

You will uphold all of your obligations under the laws of Victoria and Council's local laws, and will act in accordance with the Model Councillor Code of Conduct.

3 Apologies/Leave Of Absence

4 Disclosure Of Conflicts Of Interest

5 Term Of Mayor

Before the Election of the Mayor, the Council must determine by resolution whether the Mayor is to be elected for a one year or a two year term, in accordance with section 26 of the *Local Government Act 2020*.

Motion

That on the declaration of the result of the Mayoral Election by the Chief Executive Officer, the successful candidate is elected Mayor of Brimbank City Council for a ____ year term.

6 Mayoral Election

The election of the Mayor will be conducted in accordance with the *Local Government Act 2020* and the Brimbank Governance Rules.

Section 18 of the *Local Government Act 2020* sets out the role of the Mayor, and provides that the Mayor must Chair all meetings of the Council.

The Chief Executive Officer will invite nominations for the office of Mayor. Councillors may nominate a candidate, and the nomination needs to be seconded by another Councillor.

Councillors may not move or second their own nomination.

To be elected Mayor, a candidate must be elected by an absolute majority of the Councillors. For the purposes of the election of the Mayor, an absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.

Voting will be by a show of hands.

A Councillor can vote for themselves or another Councillor.

If there is more than one nomination for Mayor there will be a series of votes until a candidate can be duly elected Mayor.

The Chief Executive Officer will conduct the election of the Mayor.

The Chief Executive Officer will pause the meeting to allow for the Mayor to receive the Mayoral Robes and Chains.

7 Mayoral Commencement Address

Under the Brimbank Governance Rules, the Councillor elected to the position of Mayor may make a commencement speech for up to 10 minutes outlining their vision for the Mayoral term.

8 Determination Of Position Of Deputy Mayor

Upon a Mayor being elected, the Mayor will conduct the election of the Deputy Mayor (if the position is established).

Section 20A of the *Local Government Act 2020* provides that Council may establish an office of Deputy Mayor.

If Council has established an office of Deputy Mayor, the Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting, or incapable of performing the duties of the office of Mayor for any reason, including illness, or the office of Mayor is vacant.

If Council has not established an office of Deputy Mayor, Council may appoint a Councillor to be the Acting Mayor when the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting, is incapable of performing the duties of the office of Mayor for any reason, including illness, or the office of Mayor is vacant.

Motion

That:

- a. **Council, in accordance with the *Local Government Act 2020* and the Brimbank Governance Rules, establishes the position of Deputy Mayor, for a ____ year term.**
- b. **On the declaration of the result of the Deputy Mayoral Election by the Chair, the successful candidate is elected Deputy Mayor of Brimbank City Council for a ____ year term.**

9 Election Of Deputy Mayor (If Position Established)

If required, the election of the Deputy Mayor will be conducted in accordance with the *Local Government Act 2020* and the Brimbank Governance Rules.

The Mayor will invite nominations and conduct the election.

10 Officer Reports

10.1	Appointment to Committees
Directorate	People, Partnerships and Performance
Director	Georgie Hill
Manager	Danny Bilaver
Attachment(s)	Nil

Purpose

For Council to consider appointments to the LeadWest Joint Delegated Committee and the Audit and Risk Committee.

Officer Recommendation

That Council appoints until Council resolves otherwise:

- a. **Councillor _____ as Councillor delegate, and Councillor _____ as proxy, to the LeadWest Joint Delegated Committee.**
- b. **Councillors _____ and _____ as representatives, and Councillors _____ and _____ as substitutes, to the Audit and Risk Committee.**

Background

Committees

LeadWest is a Joint Delegated Committee established by Brimbank City Council, Maribyrnong City Council, Hobsons Bay City Council, Wyndham City Council and Melton City Council. Council is required to appoint Council delegates to this committee.

Under the *Local Government Act 2020*, Council is required to establish an Audit and Risk Committee to which it appoints Council representatives.

The role of the Council representative or delegate for both committees is defined in the Terms of Reference for each committee, and is, broadly, to represent the issues facing, and position of Council.

Matters for Consideration

Committee Appointments

Council generally reviews appointments of Council representatives and delegates to committees on an annual basis.

It is recommended that Council appoints Council delegates and representatives to the LeadWest Joint Delegated Committee and the Audit and Risk Committee due to those committees' upcoming meetings on 11 December 2024 and 22 November 2024 respectively.

Another report will be presented to Council to consider the appointment of Council representatives and delegates to the remaining of the committees at the December Council Meeting scheduled for 10 December 2024.

LeadWest Joint Delegated Committee

LeadWest Joint Delegated Committee represents the councils of Brimbank, Hobsons Bay, Maribyrnong, Melton and Wyndham, to support sustainable growth and regional development in Melbourne's West.

It is recommended Council appoints one Councillor delegate and one proxy to the LeadWest Joint Delegated Committee.

Audit and Risk Committee

The Audit and Risk Committee is an Advisory Committee to Council established in accordance with section 53 of the *Local Government Act 2020*, to provide oversight of internal and external audit and strategic risk activities.

It is recommended Council appoints two representatives and two substitutes to the Audit and Risk Committee. The substitutes would only be called upon to attend meetings should one or both representatives be unavailable. All Councillors are able to attend Audit and Risk Committee meetings as observers, with the approval of the Chair.

Community Engagement

Not applicable.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2024/2025.

Regulatory: legal, legislative or regulatory implications including the rights/obligations of stakeholders

- This report fulfils legislative governance obligations, to provide transparent and accountable reporting of governance activity.

There are no Community, Environmental, Financial or Safety risks identified.

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 strategic direction and objective of:

4. Leadership and Governance - A high performing organisation that enacts the vision and decisions of Council through the delivery of quality and innovative services - A fairer place for all

- High Performing and Accountable - Our workforce strive to enhance services and liveability for the Brimbank community.

This report complies with the *Local Government Act 2020*, *Local Government (Governance and Integrity) Regulations 2020*, Council Plan 2021-2025, S5 Instrument of Delegation to the Chief Executive Officer, S7 Instrument of Sub-Delegation by the Chief Executive Officer, Councillor Code of Conduct 2021 and Procurement Policy.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Section 129 of the *Local Government Act 2020* provides that a conflict of interest does not arise in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the Local Government (Governance and Integrity) Regulations 2020. Regulation 7(1) prescribes the following are exempt matters:

- The nomination or appointment by the Council of a Councillor to a position for which the Councillor will not be remunerated;
- 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.

11 Meeting Closure