



**SPECIAL COUNCIL MEETING**

# **MINUTES**

**Monday 16 November 2020**

**at 5:30 PM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**



# COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

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## COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

MINUTES of the *SPECIAL COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on  
Monday 16 November 2020 at 5:30 PM.

### MINUTES

#### **1 DECLARATION OF OPENING**

Good afternoon Ladies and Gentlemen. I formally declare this meeting open. My name is Peter Brown and I am the Chief Executive of the Colac Otway Shire. I'd like to welcome you all to this Special Meeting of the Colac Otway Shire Council. In accordance with section 29 of the *Local Government Act 2020* the term of office of the previous Councillors ended at 6am on 24 October 2020. The Local Government Elections were held on 24 October 2020 through a postal vote and the results were declared by the Victorian Electoral Commission on 5 November 2020. On 6 November 2020 the Councillors elect took the oath or affirmation of office and commenced their term of office as Councillors. Today Council will determine the terms for and elect the Mayor and Deputy Mayor for the Council in accordance with the *Local Government Act 2020*. Section 25(3)(a) of the *Local Government Act 2020* requires that the election of the Mayor be conducted by me. Once the election of the Mayor has occurred, I will vacate the Chair and the elected Mayor will take on the role of Chair for the remainder of the meeting.

#### **OPENING PRAYER**

*Almighty God, we seek your  
blessing and guidance in our  
deliberations on behalf of the  
people of the Colac Otway Shire.  
Enable this Council's decisions to be  
those that contribute to the true  
welfare and betterment of our community.*

AMEN

#### **2 PRESENT**

Cr Jamie Bell  
Cr Graham Costin  
Cr Kate Hanson  
Cr Stephen Hart  
Cr Joe McCracken  
Cr Chris Potter  
Cr Margaret White

Peter Brown, Chief Executive  
Errol Lawrence, General Manager, Corporate Services  
Tony McGann, General Manager, Environment & Infrastructure  
Ian Seuren, General Manager, Development & Community Services  
Tamara Stewart, Acting Manager, Governance

Lyndal McLean, Governance Coordinator  
Alison Martin, Communications Coordinator

### **3 APOLOGIES AND LEAVE OF ABSENCE**

Nil

### **4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY**

Colac Otway Shire acknowledges the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would like to advise that all Council meetings are audio recorded and live streamed, with the exception of confidential matters. To enhance audio quality, Councillors and officers are asked to remain seated when addressing the meeting and to speak directly into their microphone. For those attending electronically, please exercise virtual meeting etiquette by muting your device when not addressing the meeting. All Councillors are asked to clearly raise their hand when voting to assist with the running of the meeting and the accurate recording of votes.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

The sole purpose of the Special Council Meeting is to consider the:

- Term of the Mayor
- Term of the Deputy Mayor
- Election of the Mayor
- Election of the Deputy Mayor.

### **5 QUESTION TIME**

At every Special Council Meeting, a public question time not exceeding 30 minutes is usually held to enable any member of the public to question Council but only on items directly related to the Agenda. Questions that are more general in nature can be submitted to Council in writing for the next Ordinary Council meeting. However, due to restrictions in place in response to the COVID-19 pandemic and in accordance with resolutions regarding question time passed at the 22 April 2020 Ordinary Council Meeting, question time was not held at this meeting.



## QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd, Colac

In view of the wording in the Special Council Meeting Agenda for Monday 16 November 2020 how is it possible to have unelected members drawing allowances prior to date an election held on since the Agenda states those elected to Council in 2020 were entitled to benefits in excess of two weeks prior to an election being held while we were still paying sitting Councillors during this time?

*Response from Acting Manager, Governance*

In response to your question referring to the Special Council Meeting Agenda above: There was an administrative error in the date published in the third paragraph; the 6 October 2020 was incorrectly noted as the date the Councillors elect took the oath or affirmation of office to commence their term of office as Councillors. Please note that the Councillors elect took their oath or affirmation of office to commence their term of office as Councillors on 6 November 2020.

## **6      TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING**

Question from Cr Schram taken on notice by Tony McGann (General Manager, Environment & Infrastructure) and Jason Clissold (Manager, Financial Services) at the 21 September 2020 Special Council Meeting regarding Item 8.1 - Approval and Certification of 2019/20 In Principle Financial and Performance Statements:

Cr Schram

*A couple of years ago I think we had a review into some of the operations of Bluewater and compared it to other Councils. It was costing us around \$450-\$500k a year in that report, from memory – I stand to be corrected. What accounting change has been made so that the real figures, what we're present with here today, have shown it to be \$884k? What has changed significantly? What other costs are you attributing to Bluewater that you weren't a couple of years ago?*

*Response from Manager, Financial Services*

I have only been at Council for two years, but my understanding is that this figure has been within this vicinity during this time. The only thing that I can think of is that perhaps the building maintenance and utility costs were not being allocated directly to the service previously. I will have to take that on notice and go back and look at the historical data.

Cr Schram

*What income does the Bluewater business make the Shire? For example, what is the revenue on ticket sales, entry through the door, people using the gym, playing basketball... those sorts of things?*

*Response from Chief Executive*

I don't believe that there's anybody here that can give that exact answer as we have had no advance notice of this question. We are here today to adopt the Statement of Accounts for the Council and therefore, we haven't prepared ourselves for these sorts of questions.

Cr Schram

*I would have thought that they might have been in the financials. Like – there is a \$884k significant loss. Surely somebody has got something on our actual budgeted figures about what our expenses and income are, where you could quickly flick to. The reason I'm asking these questions is that in the report written, it pretty much says Councillors haven't put up rates to the CPI and it's the rate payers fault that we possibly could be in financial trouble. I'm trying to get an understanding of these figures and why some of our businesses are running at such huge losses and if it they could be run more efficiently, for example at \$400k, then there may be a couple of percent rate increase that you don't need to have.*

*Response from Chief Executive*

This is a perfectly reasonable question Mr Mayor, it's just that we have no advance notice of the question. We are here for a different purpose; we are here to adopt the Financial Statements for this year and I'm happy to take this question on notice. It will certainly be a key question that we will be talking about with the new Council, but we haven't prepared for that sort of conversation here today. This is an exercise to adopt the statements as being true and correct, a reflection of what's occurred at the Colac Otway Shire in a financial sense in the 2019-2020 year.

Cr Schram

*Oh, no problem. I sent in an email asking what Bluewater's budgeted figures were. I thought somebody might have had a more in-depth look rather than just providing the figure of \$884K.*

*Response from Manager, Financial Services*

Mr Mayor I might be able to shed some light. The results are consistent with the forecasts that have been presented throughout the year and most recently in April, apart from the impact of COVID, which has been tracking in line with our estimates. All the financial results are consistent with that forecast and when we have talked about setting that overall cost of Bluewater, it was obviously something that we went through in a lot of detail when setting the annual budget. We have monitored this quarterly throughout the year and when we come around to do the 2021/2022 budget, we will go through that service again to make sure Council are comfortable with that overall cost. I hope that sheds some light on the position around Bluewater.

Cr Hart

*I wonder if the answer you're looking for is on page 35 of the Agenda? It's got Leisure Centre Fees, but I'm not sure if that's meant to be Bluewater. I would have thought it would be under user fees which is 3.3 - page 35 of the Agenda or page 15. I'm not sure if it is, but this might be a place for someone in Accounts to look.*

Cr Schram

*Yeah ... I took that to be some of the revenue... but there'd be more than that, I would have thought.*

### ***Response from General Manager, Environment & Infrastructure***

I think, as the Chief Executive has indicated, we'll take that question on notice. Probably the other thing for us all to remember with Bluewater costs for that financial year, is that whilst pretty much when we hit the COVID virus shut down our income basically stopped but there were a lot of fixed costs that continued in terms of energy and some small labour costs to ensure that the pool was managed properly during that shut down. And this would explain some of the cost over-run but, certainly we'll take that question on notice and provide more detailed information.

### ***Further response from General Manager, Environment & Infrastructure***

In relation to the question that was asked at Wednesday's Council meeting relating to total income generated by Bluewater, please find a summary below.

Bluewater	2019/20	2019/20
	Budget	Actual
	\$'000	\$'000
Income	1,332	1,118
Expenditure	(2,050)	(2,002)
Net Result	<u>(718)</u>	<u>(884)</u>

In response to the statement Cr Schram made relating to Bluewater 'costing us around \$450-\$500k a year', I can confirm that the 2016/17 budget forecasted a net cost of \$521k, but the actual results for 2016/17 and 2017/18 was \$660k and \$641k respectively. The major increase in costs since then has been in relation to utility costs (mainly electricity) which has increased by approx. \$75k since 2016/17.

## **7 DECLARATIONS OF INTEREST**

As per S129(g) *Local Government Act 2020* and Regulation 7 of the Local Government (Governance and Integrity) Regulations 2020 the Election of the Mayor and Deputy Mayor are exempt from Conflict of Interest Requirements.



Item: 8.1

## Term of the Mayor

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To consider the term of office for the next Mayor of Colac Otway Shire.

### RECOMMENDATION

*That pursuant to section 26 of the Local Government Act 2020, Council elect the Mayor for a term of ..... year/s.*

#### ALTERNATIVE MOTION

*MOVED Cr Stephen Hart, SECONDED Cr Graham Costin*

*That Council resolves to:*

- 1. elect the Mayor for a term of one year, and*
- 2. elect the Deputy Mayor for a term of one year.*

**CARRIED 7 : 0**



Item: 8.2

## Term of the Deputy Mayor

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To consider the term of office for the next Deputy Mayor of Colac Otway Shire.

### RECOMMENDATION

*That pursuant to sections 26 and 27 of the Local Government Act 2020, Council elect the Deputy Mayor for a term of .....year/s.*

*Please refer to the resolution under item 8.1 – Term of the Mayor.*

Item: 8.3

## Election of the Mayor

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To elect the Mayor of Colac Otway Shire

### RESOLUTION

*The Chief Executive Officer called for nominations for Mayor for a one-year term.*

*NOMINATION – Cr Kate Hanson*

*MOVED Cr Joe McCracken, SECONDED Cr Chris Potter*

*No further nominations were received.*

*Having received no further nominations, Cr Kate Hanson was declared elected as Mayor of Colac Otway Shire for a one-year term.*

*The Mayor assumed the chair for the remainder of the meeting.*

Item: 8.4

## Election of Deputy Mayor

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To elect the Deputy Mayor of Colac Otway Shire.

### RESOLUTION

*The Mayor called for nominations for Deputy Mayor for a one-year term.*

**NOMINATION – Cr Graham Costin**

**MOVED Cr Margaret White, SECONDED Cr Joe McCracken**

*No further nominations were received.*

*Having received no further nominations, Cr Graham Costin was declared elected as Deputy Mayor of Colac Otway Shire for a one-year term.*



*The meeting was declared closed at 5:41pm*

**CONFIRMED AND SIGNED** at the meeting held on 25 November 2020

*Chen* MAYOR