

AGENDA

TUESDAY, 27 NOVEMBER 2018
MANSFIELD SHIRE OFFICE
 33 Highbury Street, Mansfield
 4.00pm

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AGENDA

TUESDAY, 27 NOVEMBER 2018
MANSFIELD SHIRE OFFICE
33 Highett Street, Mansfield
4.00pm

The positions of Mayor and Deputy Mayor become vacant at 6.00am on the morning of the day of the Mayoral and Deputy Mayoral election.

1. OPENING OF MEETING

2. PRESENT

3. ACTING CHAIRPERSON

The Chief Executive Officer shall act as Chairperson, in accordance with Part 2 (clause 10.2) of the Mansfield Shire Community Local Law No. 2 - *Processes of Municipal Government (Meetings and Common Seal)*, until the following matters are determined:

- (a) The receipt of nominations for the election of Mayor;
- (b) The election of the Mayor; and
- (c) The Mayoral term is determined.

Following the election, the Mayor shall assume the Chair to deal with the remaining matters before the meeting.

4. STATEMENT OF COMMITMENT

Councillors shall affirm the “Statement of Commitment” for the Mansfield Shire Council:

“We the Councillors of Mansfield Shire / declare that we will undertake on every occasion / to carry out our duties in the best interests of the community / and that our conduct shall maintain the standards of the Code of Good Governance / so that we may faithfully represent / and uphold the trust placed in this Council by the people of Mansfield Shire.”

5. ACKNOWLEDGEMENT OF COUNTRY

Councillors shall affirm the “Acknowledgement of Country” for the Mansfield Shire Council:

“Mansfield Shire Council recognises that Indigenous people have been custodians of this area for centuries. We acknowledge the living culture and unique role of Taungurung people in our region.”



6. **APOLOGIES**

7. **DISCLOSURE OF CONFLICTS OF INTEREST**

8. **OUTGOING MAYOR'S REPORT**

The outgoing Mayor, Cr Paul Volkering, will present his report on the 28 November 2017 to 21 August 2018 to Mayoral term.

Recommendation:

That the Mayor's report for the Mayoral term, from 28 November 2017 to 21 August 2018, be received.

8.1 **Vote of Thanks to the Outgoing Mayor**

Prior to calling for nominations for the position of Mayor, the acting Chairperson will call upon any Councillors who wish to express appreciation to the Acting Mayor for his term in office.



9. DETERMINATION OF MAYORAL TERM

File Number: E502
Responsible Officer: Chief Executive Officer, Alex Green

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989* (the Act).

Introduction

A decision is required in relation to the term of the Mayoral appointment.

Background

In accordance with section 71 of the Act, Councillors must elect a Councillor to be the Mayor of the Council. However, before a Mayor is elected, the Council must resolve the term of the appointment – either one or two years.

Historically, Mansfield Shire Council has adopted a practice of electing a new Mayor every 12 months, but the option to elect a Mayor for a minimum two year term is provided for under section 71(2) of the Act.

Statutory Requirements

Section 71(2) of the Act requires Council to elect a Mayor, but first determine whether the term of Mayor will be for one year or two years.

Section 71(3) states the Mayor is to be elected after the fourth Saturday in October but not later than 30 November in each year, unless Council resolve to appoint its Mayor for a two year term, for which the next Mayoral election would take place two years after the fourth Saturday in October but not later than 30 November in the second year after the election.

Statutory requirements in relation to the Mayoral allowance will be discussed under the Financial section.

Council Plan

Strategic Direction Five of the Council Plan 2017-21 relates to Responsible Leadership.

Regardless of a one of two year term, the appointment of a Mayor is consistent with Strategic Objective 5.1 – We achieve the highest standards of good governance.



9. DETERMINATION OF MAYORAL TERM CONT.

Financial

The Act requires Council to determine the level of Councillor and Mayoral allowance within six months of a general election. The Mayoral Allowance is currently set at \$60,442 per annum with an additional \$5,742 (equivalent to a 9.5% superannuation guarantee contribution).

Social

The Mayor actively promotes and develops opportunities for the municipality. This could involve developing and maintaining extensive individual and community networks, and performing an important social and ceremonial role as leader of the community.

Environmental

There are no environmental impacts arising from this item.

Economic

There are no economic impacts arising from this item.

Risk Management

Nil.

Community Engagement

Community engagement is not required for determining the term of office of Council's Mayor.

Officer's Comments

Historically, Council has elected its Mayor for a 12 month period, however the option for a two year Mayoral term is provided to the Council in accordance with the Act.

Attachments

Nil.

Recommendation:

That pursuant to the provisions of Section 71 of the *Local Government Act 1989*:

1. the term of the Mayor of Mansfield Shire be for a ___ year term.
2. the term of the Mayor shall be for a period ending no earlier than the fourth Saturday in October 20__ and no later than 30 November 20__.



10. ELECTION OF MANSFIELD SHIRE MAYOR

File Number: E502
Responsible Officer: Chief Executive Officer, Alex Green

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989* (the Act).

Introduction

In accordance with section 71 of the Act, Councillors must elect a Councillor to be the Mayor of the Council.

Background

Section 73 of the Act specifies that the Mayor must take precedence at all municipal proceedings within the municipal district and must chair all meetings at which he/she is present. If there is a vacancy in the position of Mayor, or the Mayor is absent from a meeting, Council must appoint another Councillor to be the acting Mayor. If Council chooses to appoint a Deputy Mayor, then the acting Mayor role will usually be filled by the Deputy Mayor. An acting Mayor may perform any function or exercise any power conferred on the Mayor.

Under s73AA of the Act the functions of the Mayor of a Council include:

- (a) providing guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 65, and the observation of the Councillor conduct principles and the Councillor Code of Conduct by Councillors under sections 76B, 76BA and 76C; and
- (b) acting as the principal spokesperson for the Council; and
- (c) supporting good working relations between Councillors; and
- (d) carrying out the civic and ceremonial duties of office of Mayor.

Under Section 90(1)(e) of the Act, the Mayor receives a casting vote where necessary.

Processes of Municipal Government (Meetings and Common Seal) Community - Local Law No. 2

In accordance with Part 2 of the Mansfield Shire Community Local Law 2 – *Processes of Municipal Government (Meetings and Common Seal)*, the Chief Executive Officer will invite nominations for the Office of Mayor.

The election of the Mayor will be carried out by a show of hands.

In determining the election of the Mayor, the following will apply:



10. ELECTION OF MANSFIELD SHIRE MAYOR CONT.

1. where only one nomination is received, that Councillor must be declared elected; or
2. where two nominations are received, the Councillor with the majority of votes must be declared elected; or
3. where there are two or more nominations received, the Councillor who receives a majority of the votes must be declared elected. If no nominee has received a majority of the votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are still several candidates, this procedure must be repeated until a candidate receives a majority of the votes and that candidate shall be declared elected;
4. if, for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by way of a majority vote. If, through this process, there is still an equal number of votes between the two candidates, the candidate to be eliminated shall be determined by lot conducted by the Chief Executive Officer;
5. if the Chief Executive Officer is required to identify the candidate to be eliminated under item 3 by lot, the following procedure will apply:
 - i. the Chief Executive Officer shall procure the same number of pieces of paper, as there are remaining candidates; and
 - ii. the Chief Executive Officer shall write onto one of the pieces of the paper the word “defeated” and then place all the pieces of paper into a receptacle; and
 - iii. the Chief Executive Officer shall then determine the order of drawing the lot by the alphabetical order of the surname of each of the candidates; and
 - iv. where the candidate’s name commences with the same alphabetical letter then the order shall be determined by the second letter of the surname; and
 - v. if the second letter is identical, then the third letter of the surname; and
 - vi. this shall be repeated, if necessary, until an order is established; and
 - vii. the candidate who draws the ballot paper with the word “defeated” written on it will be declared the eliminated candidate.

Statutory Requirements

Under s.71(2) of the Act Council must elect a Mayor, but first determine whether the term of Mayor will be for one year or two years.

The Special Council meeting at which the appointment of the Mayor is made by Council must, under section 71(3)(a) of the Act, be held after the fourth Saturday of October but before the 30 November each year.

The election of the Mayor is conducted in accordance with Part 2 of the Mansfield Shire Council’s Community Local Law 2 – *Processes of Municipal Government (Meetings and Common Seal)*.

Statutory requirements in relation to the Mayoral allowance will be discussed under the Financial section.



10. ELECTION OF MANSFIELD SHIRE MAYOR CONT.

Council Plan

Strategic Direction Five of the Council Plan 2017-21 relates to Responsible Leadership.

The appointment of a Mayor is consistent with Strategic Objective 5.1 – We achieve the highest standards of good governance.

Financial

The Act requires Council to determine the level of Councillor and Mayoral allowance within six months of a general election. The Mayoral Allowance is currently set at \$60,442 per annum with an additional \$5,742 (equivalent to a 9.5% superannuation guarantee contribution).

All Councillors are entitled to resources and support as outlined in the Councillor expenses and Resources Guidelines. In addition to this the Mayor is provided with high level administration support, mobile telephone, corporate credit card, iPad, and private use of a Council vehicle.

The Annual Budget and Strategic Resource Plan of Council provides for the necessary allowances and resource costs of a Mayor. There are no changes required to the budget as a result of election of a new Mayor.

Social

The Mayor actively promotes and develops opportunities for the municipality. This could involve developing and maintaining extensive individual and community networks, and performing an important social and ceremonial role as leader of the community.

Environmental

There are no environmental impacts arising from this item.

Economic

There are no economic impacts arising from this item.

Risk Management

Nil.

Community Engagement

Community engagement is not required for the election and appointment of Council's Mayor. The appointment of the Mayor will be communicated to the community through the usual channels, ie, media release to the Mansfield Courier and on Council's website and social media channel.



10. ELECTION OF MANSFIELD SHIRE MAYOR CONT.

Officer's Comments

Nil.

Attachments

Nil.

The Chief Executive Officer will call for nominations for the role of Mayor.

Recommendation:

That:

- 1. pursuant to the provisions of Section 71 of the *Local Government Act 1989*, the Council appoints Councillor _____ as Mayor of Mansfield Shire for a term no later than _____.**
- 2. the office of Mayor is supported in accordance with the Mansfield Shire Councillors' Expenses and Resources Guidelines.**

The Chief Executive Officer will remove himself from the position of Chair.
Council's Mayor will assume the Chair.



10. ELECTION OF MANSFIELD SHIRE MAYOR CONT.

10.1 Incoming Mayoral Speech

The Mayor's speech provides the opportunity for the new Mayor to make a short expression, speaking to the appointment and highlighting key priorities for the forthcoming Mayoral term.

Recommendation:

That the Mayor's incoming speech be received.



11. ELECTION OF MANSFIELD SHIRE DEPUTY MAYOR

File Number: E502
Responsible Officer: Chief Executive Officer, Alex Green

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989* (the Act).

Introduction

The Council may agree to appoint to the position of Deputy Mayor and undertake an election in line with Council's Community Local Law 2 – *Processes of Municipal Government (Meetings and Common Seal)*.

The Deputy Mayoral term will expire on the same date as the Mayoral term.

Background

The role of Deputy Mayor in the past has included:

- Deputising for the Mayor at civic functions, Mayoral engagements and other meetings at which the Mayor is required to represent Council.
- Being nominated to chair Council meetings in the absence of the Mayor
- Acting as Council spokesperson in the absence of the Mayor.

At its Special (statutory) meeting on 28 November 2017, Council elected Cr Harry Westendorp to the position of Deputy Mayor of Mansfield Shire Council for a term to coincide with the Mayoral term. As a result of Cr Paul Volkering's decision to step down as Mayor, Cr Westendorp was appointed to the Acting Mayoral role from 21 August 2018. A Deputy Mayor was not appointed.

If a nomination(s) is received for the role of Deputy Mayor, the appointment is to be determined by Councillors in the same manner as the election of Mayor as provided in Council's Community Local Law 2 – *Processes of Municipal Government (Meetings and Common Seal)*.

Statutory Requirements

The Act does not recognise the role of Deputy Mayor other than the need to appoint an acting Mayor in the event of the Mayor being absent, incapable of acting or resigning, in accordance with Section 73 of the Act.

While the provisions of the Act do not specifically make provision for the election of a Deputy Mayor, the capacity exists for the Council to make such an appointment to assist in the performance of its activities.



11. ELECTION OF MANSFIELD SHIRE DEPUTY MAYOR CONT.

Council Plan

Strategic Direction Five of the Council Plan 2017-21 relates to Responsible Leadership.

The appointment of a Deputy Mayor is consistent with Strategic Objective 5.1 – We achieve the highest standards of good governance.

Financial

There is no statutory requirement for a Deputy Mayor allowance, however the Act provides for Councillor allowance, the level of which is determined by the Council within six months of a general election. The Councillor allowance is currently set at \$20,231 per annum with an additional \$1,992 (equivalent to a 9.5% superannuation guarantee contribution).

All Councillors are entitled to resources and support as outlined in the Councillor expenses and Resources Guidelines.

The Annual Budget and Strategic Resource Plan of Council provides for the necessary allowances and resource costs of Councillors. There are no changes required to the budget as a result of election of a Deputy Mayor.

Social

Similar to the Mayoral role, the Deputy Mayor actively promotes and develops opportunities for the municipality. This could involve developing and maintaining extensive individual and community networks, and performing an important social and ceremonial role as leader of the community.

Environmental

There are no environmental impacts arising from this item.

Economic

There are no economic impacts arising from this item.

Risk Management

Nil.

Community Engagement

Community engagement is not required for the election and appointment of Council's Deputy Mayor. The appointment of a Deputy Mayor will be communicated to the community through the usual channels, ie, media release to The Mansfield Courier and on Council's website and social media channel.

Officer's Comments

Nil.



11. ELECTION OF MANSFIELD SHIRE DEPUTY MAYOR CONT.

Attachments

Nil.

Recommendation:

That the Mansfield Shire Council determines to elect a Councillor to be the Deputy Mayor.

The Mayor shall call for nominations for the election of Deputy Mayor.

Recommendation:

1. That Cr _____ be appointed as Mansfield Shire Council Deputy Mayor.
2. That the term of Deputy Mayor shall expire on _____ to coincide with the Mayoral position and in accordance with the *Local Government Act 1989*.

11.1 Incoming Deputy Mayoral Speech

The Deputy Mayor is provided with the opportunity to make a brief statement to Council.

Recommendation:

That the Deputy Mayor's Speech for the Deputy Mayoral term be received.



12. COUNCIL MEETING STRUCTURE

File Number: E343
Responsible Officer: Chief Executive Officer, Alex Green

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989* (the Act).

Introduction

Council is required to adopt a schedule of Ordinary Council Meetings for the 12 months ending November 2019.

The fundamental purpose of Council meetings is to facilitate the good governance of the municipal district through the transaction of business relating to legislation, legal, procedural and policy requirements. Section 89 of the Act requires Council to provide public notice of meetings of the Council.

Council meetings are open to the public except when Council is considering matters designated as confidential in accordance with the Act.

Background

At its Special meeting of 27 November 2017, Council adopted its meeting schedule for 2017-18 which included the dates from December 2017 through to November 2018. The schedule below seeks adoption from Council for the meeting schedule for the period December 2018 through to November 2019.

In accordance with the notice requirements in the Mansfield Shire *Community Local Law No. 2 – Meeting Procedures and Common Seal 2016*, Council is able to conduct additional Special Council meetings to deal with extraordinary items as required.

It has become practice over recent years to hold some Ordinary Council meetings at different locations across the Shire on a rotating basis. Townships with a suitable venue to host a Council meeting are:

- Bonnie Doon
- Goughs Bay
- Jamieson
- Maindample
- Merrijig
- Merton/Ancona
- Tolmie
- Woods Point

In 2018 Council meetings have been held at Merrijig, Bonnie Doon, Maindample and Woods Point.



12. COUNCIL MEETING STRUCTURE CONT.

The following Ordinary meeting schedule for the Mansfield Shire Council is proposed until November 2019:

*Location: Council Chambers - Mansfield Shire Office,
33 Highett Street, Mansfield, unless otherwise specified*

Usually held on the third Tuesday of each month

<i>DATE</i>	<i>Location</i>	<i>Time</i>
18 December 2018	Mansfield Shire Council Chambers	5.00pm
22 January 2019	Mansfield Shire Council Chambers	5.00pm
19 February 2019	Outlying Community (venue to be confirmed)	5.00pm
19 March 2019	Mansfield Shire Council Chambers	5.00pm
16 April 2019	Mansfield Shire Council Chambers	5.00pm
21 May 2019	Outlying Community (venue to be confirmed)	5.00pm
25 June 2019	Mansfield Shire Council Chambers	5.00pm
16 July 2019	Mansfield Shire Council Chambers	5.00pm
20 August 2019	Outlying Community (venue to be confirmed)	5.00pm
17 September 2019	Mansfield Shire Council Chambers	5.00pm
15 October 2019	Mansfield Shire Council Chambers	5.00pm
19 November 2019	Outlying Community (venue to be confirmed)	5.00pm

Statutory Requirements

In accordance with Section 89 of the Act, Council is required to provide public notice of meetings of the Council.

Council Plan

Strategic Direction One of the Council Plan 2017-21 relates to Participation and Partnerships.

The endorsement of a 12 month schedule of Council meetings is consistent with Strategic Objective 1.1 – Our community has a say in matters of interest to them.

Financial

Council will provide a hiring fee to venues in outlying communities if required.

Social

Ordinary meetings are open to members of the general public except when the Council is considering matters designated as confidential in accordance with the Act. Meetings held in outlying communities are designed to make Council meetings and decision-making more accessible to the community at large.

Environmental

There are no environmental impacts arising from this item.



12. COUNCIL MEETING STRUCTURE CONT.

Economic

There are no economic impacts arising from this item.

Risk Management

Nil.

Community Engagement

Once endorsed by Council, the schedule of Council meetings will be published in the local newspaper, the Mansfield Courier, and on Council’s website.

Officer’s Comments

Nil.

Attachments

Nil.

Recommendation:

That the following Ordinary meeting schedule from December 2018 to November 2019 for the Mansfield Shire Council be adopted:

<i>Date</i>	<i>Location</i>	<i>Time</i>
18 December 2018	Mansfield Shire Council Chambers	5.00pm
22 January 2019	Mansfield Shire Council Chambers	5.00pm
19 February 2019	Outlying Community (venue to be confirmed)	5.00pm
19 March 2019	Mansfield Shire Council Chambers	5.00pm
16 April 2019	Mansfield Shire Council Chambers	5.00pm
21 May 2019	Outlying Community (venue to be confirmed)	5.00pm
25 June 2019	Mansfield Shire Council Chambers	5.00pm
16 July 2019	Mansfield Shire Council Chambers	5.00pm
20 August 2019	Outlying Community (venue to be confirmed)	5.00pm
17 September 2019	Mansfield Shire Council Chambers	5.00pm
15 October 2019	Mansfield Shire Council Chambers	5.00pm
19 November 2019	Outlying Community (venue to be confirmed)	5.00pm



13. COUNCIL REPRESENTATION ON COMMITTEES

File Number: E111
Responsible Officer: Chief Executive Officer, Alex Green

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989* (the Act).

Introduction

The Act acknowledges the need for Special Committees and Advisory Committees, made up of Councillors, Council staff and other persons. The Act allows Council, by Instrument of Delegation, to delegate any of its functions, duties or powers to a Special Committee (S86).

Currently Council does not have any Special Committees, but has the following Advisory Committees:

Committee	Current Councillor Representative/s	Meeting Frequency
Mansfield Shire Audit and Risk Advisory Committee	Cr Harry Westendorp Cr Paul Volkering Cr Paul Sladdin	Quarterly
Mansfield Shire Environment Advisory Committee	Cr Marg Attley	Bimonthly
Mansfield Sport and Recreation Advisory Committee	Cr Paul Sladdin	Bimonthly
Mansfield Parks and Precincts Advisory Committee	Cr Paul Volkering	Bimonthly

In addition to the above, there are a number of organisations external to the Council structure, which require Council representation or Council nomination of community representation on the following groups:

Committee	Current Councillor Representative/s
Goulburn Broken Greenhouse Alliance	Cr Marg Attley
Hume Regional Local Government Network	Cr Harry Westendorp
Lake Eildon Land & On-Water Management Plan Implementation Committee	Cr Paul Sladdin
Municipal Association of Victoria	Cr Harry Westendorp
Municipal Emergency Management Planning	Cr Peter Olver Cr Marg Attley Cr Paul Volkering
Municipal Fire Management Planning Committee	Cr Peter Olver Cr Marg Attley Cr Paul Volkering



13. COUNCIL REPRESENTATION ON COMMITTEES CONT.

Committee	Current Councillor Representative/s
North East Local Government Waste Forum (a committee of the North East Regional Waste and Resource Recovery Group)	Cr Peter Olver
North East Tracks Local Learning and Employment Network	Cr Marg Attley
Rural Councils Victoria	Cr Harry Westendorp (delegate)
Station Precinct Project Steering Committee	Cr Marg Attley Cr Paul Sladdin Cr Peter Olver
Victorian Local Governance Association	Cr Harry Westendorp

Statutory Requirements

In accordance with Act Council may establish Advisory Committees.

Council Plan

Strategic Direction Four of the Council Plan 2017-21 relates to Responsible Leadership.

The appointment of Councillor representatives on Advisory Committees and external Committees is consistent with Strategic Objective 5.4 – We make transparent decisions facilitated by community participation at Council meetings.

Financial

There are no financial impacts arising from this item.

Social

Mansfield Shire Advisory Committees advise Council on the views, needs and interests of the community. Committee members are drawn from the community and have experience or expertise in the areas defined by their Committee of interest, and commit themselves to Advisory Committee responsibilities.

Environmental

There are no environmental impacts arising from this item.

Economic

There are no economic impacts arising from this item.

Risk Management

Nil.



13. COUNCIL REPRESENTATION ON COMMITTEES CONT.

Community Engagement

Current members of Council’s Advisory Committees will be advised of the outcome of the Councillor representation on each Committee.

Officer’s Comments

Nil.

Attachments

Nil.

Recommendation:

1. That the following Councillors be appointed as Council representatives on Advisory Committees for 2018-19 as follows:

Committee	Councillor Representative/s
Audit and Risk Advisory Committee	Mayor and Cr _____
Environment Advisory Committee	Cr _____
Mansfield Sport and Recreation Advisory Committee	Cr _____
Mansfield Parks and Precincts Advisory Committee	Cr _____

2. That the following Councillors be appointed as Council representatives on other Committees external to the Council structure for 2018-19 as follows:

Committee	Councillor Representative/s
Goulburn Broken Greenhouse Alliance	Cr _____
Hume Regional Local Government Network	Cr _____
Lake Eildon Land & On-Water Management Plan Implementation Committee	Cr _____
Municipal Association of Victoria	Cr _____
Municipal Emergency Management Planning	Cr _____
Municipal Fire Management Planning Committee	Cr _____
North East Local Government Waste Forum (a committee of the North East Regional Waste and Resource Recovery Group)	Cr _____
North East Tracks Local Learning and Employment Network	Cr _____
Rural Councils Victoria	Cr _____
Station Precinct Project Steering Committee	Cr _____



14. OTHER REPORTS

14.1 Such Other Business Admitted by the Unanimous Resolution of the Council

15. MEETING CLOSURE