

SOUTH GIPPSLAND SHIRE COUNCIL

Special Urgent Meeting of Council

Rescind resolution of Council of Special Meeting 21 March 2018,
item 2.3 2018/19 Rating Strategy

21 March 2018

**Council Chambers, Leongatha
Commencing at 5.00pm**



agenda



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



MISSION

To effectively plan and provide for the social, built, economic and natural environments that ensure the future wellbeing of South Gippsland Communities.

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.

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that the Special Urgent Meeting of Council
of the South Gippsland Shire Council which will be held on 21 March 2018
in the Council Chambers, Leongatha commencing at 5.00pm

TABLE OF CONTENTS

1. PRELIMINARY MATTERS.....	4
1.1. WELCOME	4
1.2. OPENING PRAYER	4
1.3. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS.....	4
1.4. REQUESTS FOR LEAVE OF ABSENCE.....	4
1.5. APOLOGIES	4
1.6. DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS	5
1.7. DECLARATION OF CONFLICT OF INTEREST FOR STAFF	6
2. NOTICES OF MOTION AND/OR RESCISSION	7
2.1. NOTICE OF RESCISSION 717 - RESCIND RESOLUTION OF COUNCIL OF SPECIAL MEETING 21 MARCH 2018, ITEM 2.3 2018/19 RATING STRATEGY	7
3. COUNCIL REPORTS	7
4. MEETING CLOSED	8



Tim Tamlin
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. WELCOME

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

1.2. 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

1.3. 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.

1.4. REQUESTS FOR LEAVE OF ABSENCE

1.5. APOLOGIES

1.6. 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*.

1.7. 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. NOTICES OF MOTION AND/OR RESCISSION

2.1. NOTICE OF RESCISSION 717 - RESCIND RESOLUTION OF COUNCIL OF SPECIAL MEETING 21 MARCH 2018, ITEM 2.3 2018/19 RATING STRATEGY

PURPOSE

To overturn Council's resolution of 21 March 2018 Item 2.3.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following rescission motion to the Ordinary Meeting of Council scheduled to be held on 26 April 2018.

That Council:

- 1. Rescind Agenda Item 2.3, the motion passed at council at the Special Meeting on 21 March 2018.**
- 2. Considers this matter at the Council Meeting 28 March 2018.**

BACKGROUND

There is a possible breach of the Local Government Act with regard to the process followed in the preparation and inclusion of the officer report in the Council Agenda for the March 21st 2018 Council meeting. No accusations are made towards any officers involved in this process.

Councillors should be fully aware of the legality of events and to consider whether they have by their vote, effectively condoned a breach of the Local Government Act.

This rescission motion allows time for Councillors to be fully briefed on events and to make a final determination on the matter of the proposed rate strategy after considering the legality and process that was conducted. Any councillor who considers that they made a mistake in the vote on 21 March 2018 is therefore able to amend their decision in the light of the facts.

4. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 28 March 2018 commencing at 2pm in the Council Chambers, Leongatha.